

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

5-30-1848

Virginia military land warrants.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 663, 30th Cong., 1st Sess. (1848)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

Report No. 663.

[To accompany bill H. R. No. 79.]

HOUSE OF REPRESENTATIVES.

VIRGINIA MILITARY LAND WARRANTS.

MAY 30, 1848.

Laid upon the table.

Mr. COLLAMER, from the Committee on Public Lands, made the following

REPORT:

The Committee on Public Lands, to whom was referred the bill (No. 79) entitled "An act making further appropriations of land to satisfy Virginia military land warrants, for services during the revolutionary war, and for other purposes connected with said services," make the following report:

That the subject matter of this bill has been several times considered and reported on in the House. (See Report No. 436, 1st session 26th Congress.) A select committee was raised on the subject in the 27th Congress, whose report, No. 1063, 2d session 27th Congress, presents the matter with much particularity. That report was presented by Hon. H. Hall, of Vermont. The matter was before the House in 28th Congress, and referred to the Committee on Public Lands, and a report was thereon presented by Hon. Mr. Hubbard, of Virginia. (Rep. No. 457, 1st session 28th Congress.) This was adverse to the report of the previous Congress made by Hon. Mr. Hall, and as an answer thereto. A copy of that report was furnished to Mr. Hall in 1844, by Hon. Cave Johnson, then a member of this House, and who was a member of the select committee, from which report was made in the 27th Congress. In January, 1843, Mr. Hall, in a letter to Mr. Johnson, examined and answered the report made by Hon. Mr. Hubbard; and the committee having examined that letter, adopt it as a part of their report, and the same is hereunto annexed. The committee consider that said bill ought not to pass.

BENNINGTON, VT., January 6, 1845.

HON. CAVE JOHNSON:

DEAR SIR: Towards the close of the last session of Congress, I received, under your frank, a report of the Committee on Public Lands of the House of Representatives, (No. 457,) on the subject of the Virginia bounty land claims, which report appears to be a review of two reports on the same subject, which, as a member of former committees, I had the honor to submit to the House; one of which reports so received (No. 1063 of the 2d session of the 27th Congress) being the report of a select committee of which you also were a member. At the time of receiving this review of our former labors, I was too much occupied with other matters to do more than hastily to turn over its leaves, and obtain a very slight knowledge of its contents. Within a day or two past I have read it over with more care, and as it is not impossible the bill reported from the Committee on Public Lands, for the issue of scrip in satisfaction of outstanding warrants, may come up for consideration during the present session, it has occurred to me to make some suggestions to you in regard to it.

It will be borne in mind, that these bounty land claims are entirely disconnected from the bounties promised by Congress, but arise wholly out of supposed promises made by the State of Virginia to her own troops during the revolution; that for the satisfaction of these bounties, at an early period of the revolution, the State of Virginia set apart a large tract of country in Kentucky; that at the time of the deed of cession by Virginia of western territory, an additional quantity of about 3,700,000 acres of land was reserved for that purpose in Ohio; that warrants for the satisfaction of these bounties have been freely issued by the executive of Virginia ever since the year 1782; that on the first of May, 1792, the State of Virginia, by a previous act of her legislature, voluntarily relinquished and abandoned to the State of Kentucky over 8,800,000 acres of the land she had thus set apart in Kentucky for the satisfaction of these bounties; that the quantity of land in Kentucky and Ohio which has actually been located by warrants for these bounties is 5,250,927 acres, besides 1,460,000 acres which the United States, since 1830, have, on the importunity of Virginia, satisfied in scrip, making the quantity of land already covered by these warrants 6,710,927 acres, which would embrace a territory exceeding in extent either of the States of New Hampshire, Vermont, Massachusetts, or New Jersey; that, in addition to these warrants already satisfied, there are some six or seven hundred thousand acres of warrants now outstanding, which the bill of the Committee on Public Lands proposes to satisfy; that the process of issuing these warrants is still going on in Virginia; that warrants for these bounties had been issued previous to February 9, 1840, for the services of 1,532 officers, being the requisite number of officers for 51 infantry regiments, according to the resolution of Congress, of May 27, 1778, and exceeding in number, by 133, the whole number of Virginia officers, *non-commissioned offi-*

cers, and privates, who were returned to the United States bounty land office as entitled to the continental bounty. (For the official data for these statements, I would refer to Report No. 436, 1st session 26th Congress, pages 5, 84, 79, 107, 83, 92, and Report 1063, page 10, and Journals of Congress, of May 27, 1778.)

Now, sir, I hold that the number of warrants which have been granted for officers' services is so glaringly extravagant as to preclude all grounds of belief that they are well founded; and when it is considered that these bounties could have been conveniently and readily obtained immediately after the close of the war, and from that time forward to the present, I think it requires an equal stretch of credulity to believe that any considerable amount of the warrants now outstanding (which have almost wholly been granted since 1835) could have been founded on services actually performed.

In regard to the general tone and temper of the report of the Committee on Public Lands, I have very little to say. Coming to the conclusion to which the committee seem to have done, that what I had said and written in regard to these claims was "pretty much, all of it, mere matter of moonshine," it was doubtless to be expected that I should have been treated rather cavalierly.

I think, however, that my arguments, if noticed, should have been fairly stated, and, especially, that care should have been taken to state facts correctly; which, (from inadvertence, no doubt,) I am sorry to say, has not always been the case. I cannot go into detail on this point, but will give you a specimen.

At page 106 of the report, a paragraph from a printed speech of mine on the subject of these claims is quoted, in which I stated I held in my hand a list of the names of sixty-four officers of the Virginia continental line, whose warrants were then outstanding, and that it contained the names of all the officers of that line which had been returned as issued since the last scrip act had been passed, and to whom the aggregate quantity of 200,000 acres had been granted—the paragraph concluding, in my language, as follows: "I unhesitatingly pronounce, not a part—not a large portion of them—but *every individual* claim of them to be bad. I invite any gentleman who desires to reply to me to take the list, and, before becoming particularly eloquent in favor of these claims, to select from it such *single allowance as he chooses*, and endeavor to satisfy the house that it is well founded."

The report then goes on to say: "At the *time* Mr. Hall tendered this issue *he* knew that he was under a *pledge* to demand the previous question at the close of his speech. This he did; his demand prevailed; so that no gentleman had an opportunity to reply. [See House Journal, 16th January, 1842.]" The italics of this quotation are not mine, but belong to the report.

Now, sir, the Committee on Public Lands were under a very great *mistake* in regard to this matter. On the 16th of June, 1842, I did make a speech on the subject of these claims, in which I made the remarks quoted by the committee, and also stated I had prepared the list expressly to be delivered to any member who might wish

to examine it, and that it was subject to the call of any one; but I was under no pledge to move the previous question, and did not move it; and so far from its having been the case that "no gentleman had an opportunity to reply," there was not only such an opportunity, but Mr. Underwood, of Kentucky, and Mr. Gilmer, of Virginia, did reply to me the same day. Mr. Gilmer again, on the 21st of June, concluded his remarks; and afterwards, on the 22d of June, Mr. Goggin, of Virginia, and, on the 24th of June, Mr. Goode, of Virginia, each spoke an hour in reply to me. There was not only an opportunity to reply, but ample time was given to examine the validity of the claims. When Mr. Goode had concluded, Mr. Cooper, of Pennsylvania, moved the previous question, and, in order to have an opportunity to reply to these gentlemen, I was obliged to give a pledge to move the previous question when I had concluded, which I did, on the 25th of June; but the question was not taken, I think, under the previous question, until the 5th of July; nor until after Mr. Gilmer, by my consent, had made an explanation. It is hardly necessary to say, that neither of the gentlemen made any attempt to establish the validity of any one of the claims contained in the list. [For the accuracy of these facts and dates, I refer to the files of the National Intelligencer, and the Globe, and the Journal—also to Appendix to Congressional Globe, pages 936 and 939.]

I have deemed this explanation proper, not only as an example of the *mistakes* in this report, but because the statement, fortified by an apparent reference to the Journal of the House, charged upon me an unfairness of conduct, of which I should be sorry to be thought capable of being guilty.

Whatever else may be said of this report of the Committee on Public Lands, it cannot be charged with equivocation or hesitancy in its result. The conclusion to which it arrives is a full justification of all the payments that have heretofore been made by the United States on these claims, and a recommendation of the satisfaction, *indiscriminately*, by this government, of all that are outstanding, as well as those which may in future be allowed by Virginia. Although the report faintly admits that *some* of the claims which have been allowed by Virginia *may be* unfounded, yet it proposes the payment of *all*. For instance: under the bill reported, the holder of the warrant for the service of Colonel Mordecai Buckner, who was cashiered for cowardice, and drummed out of camp by order of General Washington, will receive scrip for 6,666 $\frac{2}{3}$ acres, of the value of \$8,333 in cash. I do not, however, complain of this want of discrimination. I have no doubt his claim is as meritorious as nine-tenths of the others; and if the others are paid, I know not why *that* should not be. I only mention the fact, to show the extent of the provision which the committee propose to make.

In order to justify the payment of the claims, two points ought to be established to the satisfaction of Congress. *First*, that they are a class of claims for which not only *Virginia*, but the *United*

States, are liable; and, *secondly*, that the individual claims, which it is proposed to pay, are well founded.

In order to establish the liability of the United States for the claims, a variety of arguments, if they may be called such, have been adduced. For the apparent purpose of showing this liability, the first fifty pages of this report are taken up in discussing the title of Virginia to the western territory described in the deed of cession, which, on the recommendation of Congress, she made to the United States in 1784. "The great and extraordinary debt of gratitude," which the United States are alleged to be under to the State of Virginia for making this cession, had been strongly urged in reports and in speeches on the floor of the House, as imposing an obligation on Congress to satisfy these claims, and the subject was accordingly examined and considered in the report of the select committee (No. 1,063) before referred to. The select committee having come to the conclusion that there were two sides to the question, as to the title of Virginia, and that Virginia had, on the whole, the weakest side, so reported, and gave their reasons for their conclusion.

Most of the arguments now presented in favor of the Virginia title were then considered; and after an attentive examination of these fifty pages, I see no reason to distrust the correctness of the result to which the select committee then came. I might complain of the garbled and unfair manner in which some of the arguments of the select committee are stated, by which some of them are made to appear either frivolous or absurd; but a reference to the report itself will furnish a sufficient correction. In one particular, I agree with the Committee on Public Lands, (see their report, page 21,) that the question of the "generosity," or the want of it, of Virginia, in making the cession, is wholly immaterial to the validity of these bounty land claims against the United States; and if, as would now seem, the select committee, by their report, have succeeded in disconnecting this supposed argument of national gratitude to Virginia from these claims, they have accomplished all they intended or desired.

Another ground of argument to show the obligation of the United States to discharge these claims, has been sought to be drawn from an alleged mistake in the deed of cession of Virginia to the United States, by which mistake, it is said, the holders of *State-line* warrants were deprived of the right of locating them on the reservation in Ohio; and a *third*, from the treaty of Hopewell, made by the United States with the Indians in 1786, by which it is said the holders of *State-line* warrants were deprived of the privilege of locating them on the Kentucky reservation *west* of the highlands that divide the Cumberland from the Tennessee river; and a *fourth*, from a supposed barrenness of the land reserved for the satisfaction of *State-line* warrants, *east* of said highlands; all of which points of argument are re-stated, and somewhat amplified, in the report now under consideration.

Upon the first point, I would merely say that it has heretofore been abundantly shown, and is not now in any manner refuted,

that there was no mistake whatever in the deed of cession; that the omission to make provision for the State line warrants in Ohio, was well understood, at the time, by Virginia; and that the holders of such warrants were amply indemnified for such omission by a larger provision made for them in Kentucky. (For a full account of this matter, see Report 436, 1st session of 26th Congress, p. 71 to 77.) Upon the alleged interference of the United States with the Virginia reservation west of the Tennessee and Cumberland highlands, it is now sufficient to state, that such territory, at the time it was set apart by Virginia, for the satisfaction of her military warrants, was Indian territory; that in 1785, before the treaty of Hopewell, the governor of Virginia had, by proclamation, forbid the location of warrants upon that territory; that the treaty of Hopewell was made on the request, and for the benefit and protection of Virginia, and its provisions approved and carried into effect by the aid of the laws of Virginia; that the territory, notwithstanding the treaty, belonged to Virginia, subject to the Indian title, the existence of which title the United States, with the approbation of Virginia, had, by the treaty, merely recognised; and that Virginia afterwards, in 1789, with a full knowledge of all these facts, by an act of her legislature, voluntarily relinquished and abandoned to the State of Kentucky, not only her title to such part of this territory as should remain undisposed of by Virginia, on the 1st of May, 1792, but also to the territory *east* of said highlands in Kentucky, which had been set apart for the satisfaction of these warrants. Of the territory reserved for the State line, thus abandoned to Kentucky, which remained unlocated by these warrants in 1792, there were about one million eight hundred thousand acres situated *west*, and over three millions situated *east* of said highlands, besides more than two and a half millions of acres which had been set apart for the satisfaction of warrants of the continental line. (For a verification of these facts, see Report No. 436, pp. 77 and 107, Report 1063, pp. 45 to 48, before mentioned, Journals of the Virginia assembly and correspondence of the governor of Virginia with the old Congress, in the State Department.)

I think it sufficiently appears by this statement, that if Virginia has been deprived of the power of satisfying these claims, it has not been by the United States, but by her own voluntary act. This statement is also a sufficient refutation of the third ground of argument, above mentioned, in relation to the supposed barrenness of the land *east* of the highlands, for there is no pretence but that the lands *west* of the highlands were sufficiently fertile, and in sufficient quantity, for the satisfaction of the warrants. If Virginia had retained her title to this territory till the Indian title became extinct, as it did by treaty in 1818, she would have had abundant means for the payment of these claims, and Congress need not have been troubled with them. The land, however, then became, by virtue of the cession of Virginia in 1789, the unincumbered property of Kentucky, and I do not see why Virginia might not now make a claim upon Kentucky for satisfaction of these claims, with quite as much propriety as upon the United States. The truth,

however, undoubtedly is, that, at the time of the relinquishment of this territory by Virginia, her legislature believed, and indeed *knew*, as well as any such fact could be known, that all the *valid* bounty land claims, for which she was liable, had been presented and allowed. Upon no other ground can her conduct, in thus voluntarily depriving herself of the means of paying them, be accounted for, unless, indeed, she intended to disregard and repudiate her engagements, which I will not do that ancient commonwealth the injustice to believe.

These embrace all the grounds of argument which are adduced to show the obligation of the United States for the payment of these claims, and I confess I am unable to feel the force of any such obligation. The claims seem to stand precisely upon the same footing of any other debt contracted by an individual State, without any intervention of Congress. Unless the United States are now liable for all the present existing debts of the States, I do not see why they are liable for this debt of Virginia. The States of North Carolina, Pennsylvania, New York, and Connecticut, and perhaps other States, during the revolution, promised land bounties to their own troops, and satisfied them out of their own lands, without any call upon Congress. These bounties were always considered, what they really were, mere State matters, for which the States alone were liable, and for the payment of which the United States were under no obligation whatever.

But if the obligation of the United States to pay these bounties of Virginia, were clear and undoubted, care ought, at least, to be taken that the claims themselves for which payment is sought, are meritorious and well founded. Payment of the claims is demanded on the grounds of a contract made by Virginia with her officers and soldiers during the revolution, by which, it is alleged, that Virginia promised, if they would perform certain services she would grant to them certain quantities of land. Have the persons who now ask pay, or those under whom they claim, performed these services? Unless they have, then certainly there is no obligation, even on Virginia, much less the United States, to pay them. None of these claims have ever been adjudicated by any officer of this government. Those for which payment is now asked have indeed been allowed by the authorities of the State of Virginia, within the last ten years, but they have been allowed with the full understanding, both of the claimants and the adjudicating officers, that Virginia would never pay them, and for the mere purpose of furnishing the claimant with evidence by which he might demand payment of the United States. Now, sir, I hold there is no safety for this government in such an adjudication; that the temptation to improvidence and extravagance in their allowance is too strong to render any thorough examination probable. In my apprehension, the adoption of a system by the general government, for the adjudication of claims against it, by the authorities of the several States in favor of their respective citizens, would be equivalent to a declaration of national bankruptcy; and if any evidence were wanting that such would be its probable operation, I think it would

be found in the character and amount of these bounty land claims which have thus been allowed by Virginia.

The question, whether the individual claims which have been recently allowed by the executive of Virginia and are now unsatisfied, are well founded in the revolutionary promises of the State of Virginia, was very fully discussed in the report of the select committee of the House in 1842, No. 1,063, pages 1 to 43. This part of the report is reviewed at great length in the report of the Committee on Public lands, now under consideration. The select committee came to the conclusion that the great mass of the claims were unfounded in any such promise of Virginia, and that but a small and inconceivable part of them were claims for which Virginia could at any time have been justly made liable. The present report comes to directly the contrary conclusions, deeming the claims in the main to be valid and meritorious against Virginia, and recommends the payment of the whole by the United States.

To a person unacquainted with this subject, it might seem somewhat strange that two committees should come so decidedly to such opposite results upon so great a number of individual claims, and though I shall have some difficulty, both from the want of leisure and ready access to public documents, in undertaking to give an account of these several claims in detail, yet I will endeavor to give some account of them, and to point out the prominent grounds of difference between the two committees; and, also, to give such references as may enable you the more readily to test the correctness or incorrectness of the views taken in the respective reports.

Virginia, during the revolution, had three classes of troops, to which bounties were promised. *First*, to the troops furnished by that State to the *continental line* of the army. *Secondly*, to certain troops raised for State defence, called the *State line*; and, *Thirdly*, to the officers and seamen of certain vessels constructed or purchased by the State for State defence, called the *State navy*. These three classes were well known, and distinguished by the laws of the State from her militia and other temporary troops, to whom, whether called into service *en masse*, by drafts, or as volunteers, the general land bounties were not engaged. The object of the promises was, to induce engagements in the service, that should continue for the whole period of the war. I shall speak only of bounties to officers, as they only are of any considerable importance in this matter.

These bounties were at first *promised* to officers for no other service but for a service throughout the whole war; except that it was provided, that if any officer should die in the service, his heirs were to have the same bounty that the officer would have been entitled to receive under the laws then in force, if he had lived to serve through the war.

The bounties to the officers were, 15,000 acres to a major general; 10,000 acres to a brigadier general; 6,666 $\frac{2}{3}$ acres to a colonel; 6,000 acres to a lieutenant colonel; 5,333 $\frac{1}{3}$ acres to a major; 4,000 acres to a captain; 2,666 $\frac{2}{3}$ acres to a lieutenant or ensign; 6,000 acres to chaplains and surgeons "to regiments or brigades," and 4,000 acres to surgeons' mates "to regiments or brigades." No

other land officers were promised the bounties; and it was provided that the officers of the navy should be entitled to the same quantity of land as officers of the same rank in the army.—(See 10 Henning's Statutes, 141, 161, 375.) By an act passed at the May session, in 1782, all officers "who had not been cashiered or superseded, and who had served the term of three years successively," were declared entitled to receive the before mentioned bounty; and for every year any officer had served or might thereafter serve, "beyond the time of six years," he was declared entitled to a further bounty of one-sixth part of the former bounty. This latter provision is called the *additional* bounty.—(See 11, Hen.'s Statutes, 84.) By the laws of Virginia, in force in 1782, and for many years thereafter, warrants for these bounties were to be issued to the officers by the executive of the State, on the certificate of a general or commanding officer of the line to which he belonged, showing that he had performed the requisite service. For several years immediately after the close of the war, the emigration from Virginia to Kentucky, was rapid and extensive, and consequently land must have been in great demand. And when this fact is considered, in connexion with the large quantity of land to which each officer was entitled, and the ease with which his warrant for it could be obtained, it seems altogether incredible that any considerable number of officers should have omitted for any long period of time to apply for and receive them. That they did so apply, seems to receive strong confirmation from the fact that the number of officer's warrants which issued within the first four or five years after the year 1782, corresponds with the highest probable number of the officers that could have been entitled to the bounty; and, also, from the further fact before mentioned, that the legislature of Virginia, by an act passed in 1789, to take effect the first of May, 1792, abolished the fund out of which the payments were to be made, by ceding to Kentucky all the land in that State which she had set apart for the satisfaction of the warrants. It is worthy of remark, that during the three years previous to May 1, 1792, in which the officers of the State line and navy had notice that their claims would then cease to be satisfied, the quantity of warrants which they applied for and received was only 45,477 acres; whereas during the same period of time after the assumption of the payment of the warrants by the United States, in 1830, the quantity allowed to the officers of the same line was over 350,000 acres; and that, since 1830, warrants have been granted for the services of 176 navy officers, whereas only 92 had been granted during the whole long period previous to that date. It would seem, from this statement, that the *heirs* of the officers have been much more fortunate in discovering the existence of claims, and in procuring their allowance, than even the officers themselves. The main reason for this change in the number, and in the *luck* of the applicants, is to be found in the change of the rules of evidence upon which allowances have been made. By a law of Virginia, passed in 1816, the production of a certificate of a general officer of the line was dispensed with, and it was enacted that the execu-

tive might issue warrants upon any evidence that should be *satisfactory to him*, so that all rule on the subject seems to have been discarded.

The difference between the report of the select committee and that now under consideration will be found to depend almost wholly upon two points: *first*, upon the character and amount of evidence which shall be deemed sufficient to establish a claim; and, *secondly*, upon the different construction which the two reports give to some of the laws of Virginia on the subject of the bounties.

In regard to the character and amount of the evidence that should be required to establish the validity of a claim, the select committee, finding that there were still in existence a great number of official and authentic rolls of the Virginia continental line, viz: a roll of the officers of the several regiments at their first organization in 1776 and 1777; another made in September, 1778; a third in March, 1779; a fourth in September, 1779; a fifth in February, 1781; a sixth in May, 1782; and a seventh in January, 1783; besides other authentic lists of officers and evidence of resignations, of which a particular account is given in their report, pages 23 and 24; finding, also, that the officers, in order to obtain their pay for services, were required, *after the close of the war*, to present their accounts to auditors appointed by Virginia, and that the original accounts of the officers, upon which their pay was drawn and receipted, were still preserved in the auditor's office in Virginia, came to the conclusion that these documents furnished the best and most reliable evidence of their services. If, for instance, the name of an officer, for whose alleged services a warrant had issued, could not be found on any of these rolls, and if he claimed no pay at the end of the war, the select committee thought the presumption very strong that there must be some mistake, either as to the length of the service, or the rank, or the line in which it was testified, some 50 or 60 years afterwards, in one or two *ex parte* affidavits, that it was performed. The present committee, on the contrary, deem these ancient documents of little or no importance in ascertaining the fact of service, but take the affidavits as conclusive.

.Again, if it was found by the rolls that an officer was in service, for instance, in 1777, and that his name had been dropped from all the subsequent rolls, and that, after the close of the war, he drew and receipted his pay for his services ending previous to September, 1778, the select committee were satisfied his service then terminated; and that committee came to the same conclusion in regard to the termination of the service of an officer, if an original letter of resignation from the officer, or his original commission with a resignation under his own hand, and the resignation endorsed accepted, were now found among the Washington papers. On the contrary, the Committee on Public Lands pay no attention to all these matters, but deem them quite immaterial in ascertaining the fact of the performance of a service, or the length of a service. One or two instances will illustrate this difference between the two committees. Thus, the heirs of *Francis Conway* were allowed the

bounty of 4,000 acres of land for a service of three years as captain in the continental line, September 1, 1838. The select committee, finding that his name was not on any of the rolls as an officer at any period of the war, nor on the list of officers who after the war claimed pay for their services, concluded he could not have performed a three years' service, and accordingly reported the claim as unfounded.—Report No. 1,063, p. 27. The Committee on Public Lands discard entirely this evidence; and because he was shown by affidavit evidence "to have been in the minute service in 1775, and for more than three years thereafter," and by the executive journal to have been commissioned in the regular service September 10, 1776, they are entirely satisfied his claim was valid.—(Report 457, p. 139.) Now, upon this testimony, as stated by the committee, the right of Conway to the bounty is very far from being proved, even by parol. The minute service was militia service, to which all were liable, and for which no bounty was promised. However long it continued, it could not be spliced on to the regular service to eke out a term of three years. The service of Conway, for which bounty was promised, begun in September, 1776, and should have been shown to have continued for three years from that time—not merely three years from his militia service in 1775.

But I think the record evidence ought to be entirely satisfactory that the requisite three years' service could not have been performed, even if affidavits, taken in 1838, had stated his service to have continued three years, to wit, until 1779. His name, if commissioned in September, 1776, would not have appeared on the roll of the first nine regiments, made when they were organized in December, 1776, because he was not then in the service; and if he was an officer, as stated by the committee, it must have been in one of those regiments, because the six additional regiments were not raised till after the date of his commission, in November, 1776. The date of his entering the service is, therefore, consistent with these rolls, on which his name does not appear. But the alleged fact of his service for three years is entirely inconsistent with other rolls. The Washington papers contain an official roll of the officers of all the regiments of the Virginia line who were retained in, and dismissed from, service as supernumeraries, in September, 1778; and another like roll of all the officers, made in March, 1779. These rolls were made by boards of officers appointed by General Washington, in pursuance of resolutions of Congress, for the express purpose of rearranging the regiments of the whole line. Neither of these contain Captain Conway's name, and, in order to have performed a service of three years, he ought to have been in service at both of those dates. If he were in service, it is very strange his name should have been omitted from both the lists. But I think the fact that he drew no pay from Virginia after the close of the war is very strong evidence to show that he continued but a short time in the regular service, and must, indeed, have left it either before the 1st of January, 1777, or very soon after—

wards. As the application of these payments as a test of service is very extensive, a brief account of them will be necessary.

From the commencement of the war, the troops in the service of Congress generally received their monthly pay, at regular periods, in "continental bills."

The bills, however, begun early to depreciate in value, and such depreciation gradually increased until they became entirely worthless. On the 10th of April, 1780, Congress, in consideration of the losses of the officers and soldiers of the army, by this depreciated paper, which they had been obliged to receive at par, resolved "that the deficiency of their original pay, occasioned by such depreciation," should be made good to them. It was afterwards recommended to the several States to make good this depreciation to the troops furnished by them respectively, and charge their payments to the United States. In pursuance of this recommendation the legislature of Virginia, at their November session, 1781, passed an act by which the troops of her continental, and also of her State line and navy, were to receive, not only indemnity for such depreciation, but also the balance due them for their full pay from the first day of January, 1777, to the first day of January, 1782, a period of five years, on the presentation of their accounts to the auditors of that State; the depreciation to be settled according to a scale inserted in the act. By this scale of depreciation the continental bills were to be reckoned as one and a half dollars for one in specie, for the months of January and February, 1777; as two for one in March; as two and a half for one in April, May, and June; as three for one in July, &c.; and at an average of about five for one in 1778; of about twenty for one in 1779; of about sixty for one in 1780; and about three hundred for one in 1781. For this period of five years the *United States* did not make good this loss by depreciation, and there was no other way for a Virginia officer to obtain it but by applying to the auditor under that act. The auditors not only kept an accurate list of the officers who received their pay, but also the original accounts of each officer settled with; which accounts were necessary to be kept as vouchers of charges in favor of the State against the United States. These accounts are still preserved in the auditor's office at Richmond. In making these settlements, each officer charged the State with his monthly pay for all the services he had performed between the 1st of January, 1777, and the 1st of January, 1782, and was credited with the value, according to the scale of depreciation, of all the payments that had been made to him, and a certificate was issued to him for the balance found due. It will, therefore, be perceived that, if an officer had performed any service during this period of five years, he must either abandon all claim of pay for it, except what had been received in continental bills, or claim it here; and if claimed, all the service which he had performed during that period would appear on his account. Now, for the application of this to the case of Captain Conway: If he had performed a service of three years, from September, 1775, as supposed in the report of the Committee on Public Lands, he must have continued in service till

September, 1778. Supposing him to have been regularly paid in continental bills up to that time, (and no payments but in such bills were made,) it may be ascertained, by computation, that there would have been due him, for depreciation merely, more than the sum of \$500. Now I hold it to be incredible that he should have been so patriotic as to give that sum to the United States, and that the reason he did not apply for pay was, that he did not perform the service. If he had served till September, 1779, which would have been necessary to make out three years' service in the continental line, his depreciation pay would have amounted to over \$900. I cannot conceive it possible to doubt but that there must be some mistake as to the parol testimony in the case of Captain Conway, though, as has been before seen, even *that* falls far short of making out a good case.

The case of Lieutenant *Joseph Holliday* will serve to show the difference between the two committees in reference to another class of cases. The heirs of Lieutenant Holliday were allowed a bounty of 3,444 acres, for a service of seven years and ten months, on the 13th of May, 1838. Copies of the evidence on which the land bounty was allowed were presented to Congress in 1842, as evidence of a claim of commutation pay, and a particular statement of the evidence will be found in the report of the Committee on Revolutionary Claims thereon. (Report No. 383.) The select committee finding the name of Lieutenant Holliday on the roll of the 6th Virginia regiment, commissioned ensign, February 16, 1776, and that it was omitted in all the subsequent rolls; and finding also on the 21st of December, 1784, after the close of the war, he settled his account with the auditors of Virginia, and received pay for his service, ending July 23, 1777; and finding, moreover, by a letter from the Third Auditor, that muster rolls of the 6th regiment, still preserved in this office, showed that he had resigned, the 23d day of July, 1777, the very day to which he was paid by Virginia, were of opinion that he had not performed a three years' service, and accordingly reported that he was not entitled to any bounty. (See Report No. 1063, page 30.) But the Committee on Public Lands take a very different view of the case, and because John Stears, a revolutionary pensioner, made his affidavit in 1835, fifty years after the close of the war, "that in 1776 he enlisted under Lieutenant Holliday, and to his personal knowledge Lieutenant Holliday continued in the service till the fall of the year 1781, and at the siege of York, in consequence of sickness, obtained a furlough and went home," that committee disregarded all the record evidence, and come to the conclusion that he served through the whole war, and deem the claim good for the seven years and ten months' service. Now, I do not undertake to say that the witness has knowingly sworn false. On the contrary, I think it not at all improbable that he testified in perfect honesty. The agent of the claimant, skilled in the art of shaping affidavits to make out a case, went to him, and finding that the witness had enlisted under Lieutenant Holliday, in 1776, asked when he last saw him in service, and the answer was; at the siege of York; from which

leading facts, that might have been true, the affidavit was worded to carry the idea that the service, which was originally commenced in the continental line, was continued in that line till the siege of York, in 1781. It is quite probable, if the witness had been cross-examined as to what service Lieutenant Holliday was then in, who were his officers, &c., the answers would have shown that he was serving in the *militia*, and not in the *continental line*. I say this is quite probable, because one other witness, whose affidavit was filed in the case, testified that he served under Lieutenant Holliday at the siege of York, in Captain *Tankerville's* company. Now, Captain Tankerville's company was a militia company, and consequently Lieutenant Holliday was then serving at York in the militia, and not in the continental line. This makes the record and parol testimony consistent with each other, and accounts for the fact that Lieutenant Holliday did not draw pay for any continental service after his resignation in 1777. When the State was invaded in 1781, he probably joined the militia in resisting the invasion, as did many others who had formerly been in continental service.

It should here be remarked that large bodies of the militia of Virginia were in service at York, and at the south, in 1780 and 1781, and that in numerous cases the services of an officer for a short time on those occasions *in the militia* is shown, and attempted to be tacked on to a short term of service in the regular army, at an early period of the war, to make out the requisite bounty term of three years. More than two hundred officers from Virginia were commissioned in the continental line early in the war, who resigned their commissions before the expiration of three years, and great numbers of them have recently been allowed the land bounty by proof of service either at York, or at the south, at a later period of the war; the latter service being in the militia, though not always stated as such in the affidavit evidence. The tendency of the report of the Committee on Public Lands is to confound all distinctions of service. Not only is no inquiry made as to the character of the service, but if it distinctly appears to have been in the militia, as in the case of Captain Conway, before examined, that service is unhesitatingly reckoned to make out the requisite length of service.

The Committee on Public Lands place great stress upon the fact that this claim was allowed by Governor Tazewell, whom they eulogize as "Cato, wise; as Aristides, just." I am not disposed to question the propriety of the eulogy. In fact, I think Governor Tazewell gave some evidence of his wisdom and sense of justice in his annual message to the general assembly of Virginia, of December 1, 1834, in which he strongly recommended the repeal of all laws which authorized the future issue of bounty land warrants, and declared that if the number of those claims disposed of in times past bore any proportion to the number he had in a short time been called upon to decide, "the aggregate would far exceed the number of just claims which, by any possibility, could ever have existed against the commonwealth." But his recommendation was overruled, and bounties were continued to be allowed as before.

The warrant to the heirs of Lieutenant Holliday appears to have been issued March 21, 1838, which, I think, was after Governor Tazewell's term of office had expired. But whether he or some other executive allowed the claim does not, in my apprehension, affect in any degree the question of its validity. It still appears to me, as it did to the select committee, that the evidence for its allowance is clearly insufficient.

I will not now detain you with a recital of the evidence in but a single other case, and that case I select because it is one on which the author of the report of the Committee on Public Lands particularly relies to overthrow the record evidence produced by the select committee. It is the case of George Eskridge.—(See Report 457, pp. 130 and 194.)

George Eskridge was allowed the bounty of 2,666 $\frac{2}{3}$ acres, January 18, 1838, for a service of three years in the continental line. The select committee (see their report, page 29) found that the 15th Virginia regiment was organized under an act of assembly passed in November, 1776; that the name of George Eskridge was on the roll of that regiment when first organized, as having been commissioned ensign, November 25, 1776, with the word *resigned* afterwards written against it; that his name was not on any of the subsequent rolls; that, on the 10th of April, 1787, he presented his account for his services to the auditors of Virginia, and drew pay for a service ending September 14, 1778; and that there was among the Washington papers, in the State Department, his original resignation, under his own hand, accepted by General Washington, September 14, 1778. From these facts the select committee were of opinion he could not have performed a service of three years in the continental line, and reported the claim as bad.

The author of the report of the Committee on Public Lands produces what he deems "conclusive evidence that George Eskridge was in actual service three months and ten days after his alleged resignation," and after he ceased to draw pay from Virginia; and hence draws the inference, not only that Eskridge was entitled to the bounty, but that no reliance is to be placed upon the settlements of the officers made with Virginia, or upon the written resignation of the officer himself. Now, I think that, in order to overthrow this strong record evidence, the proof brought forward to contradict it, should not only be authentic in its character, but entirely unequivocal in its terms. If its authenticity were in any way doubtful, or if it were reasonably susceptible of a construction that would make it consistent with the official records, it should, of course, go for nothing. What is the evidence produced? It is a copy of a certificate of a magistrate of Northumberland county, Virginia, (the original being on file in the executive department at Richmond,) dated December 24th, 1778, in which the magistrate states that, on that day John George came before him and took the oath of a soldier to serve in the continental army, under Lieutenant George Eskridge, for three years. [See appendix to Rept. Com. on Public Lands, 194.] This paper, for aught I know, may be authentic, and I rest no argument on its want of authenticity. I take it

to be a genuine paper. I will remark, however, that if there should happen to be any mistake in the date of the year, (and the date is given in figures,) or if the paper did not happen to reach the Virginia executive office in the same state in which it first came into the hands of the agent, (and papers have sometimes undergone changes on their passage to such office,) then the whole effect of it might be destroyed. But there is no necessity of denying the authenticity of this paper, in order to preserve the authenticity of the settlement of George Eskridge with Virginia, or his resignation under his own hand.

It will be seen, at once, that the object of this certificate was not to show that Lieut. Eskridge was *in* service or *out* of it; but to furnish evidence that John George had taken the oath of a soldier for a service of three years in the continental army. The magistrate does not certify that Lieut. Eskridge was present when the soldier was sworn, or at *what time* Lieut. Eskridge enlisted him. For any thing that appears, the soldier may have been enlisted by Lieut. Eskridge in August or September, 1778, before his resignation, and sworn as a soldier in December afterwards, when he was about to be mustered into service. The soldier was sworn to serve in the continental line, and the words "under Lieut. Eskridge," inserted in the certificate by the magistrate, were merely to designate the officer by whom he was enlisted, without any inquiry or care by the magistrate whether he was then in service or not. These words are not any substantial part of the oath of the soldier; for, if they were, he would only be bound to serve under Lieut. Eskridge, and under no other officer, which could not have been intended. The certificate must receive the same construction as if the magistrate had certified that John George, who had been enlisted under Lieut. George Eskridge, came before him and took the oath of a soldier to serve in the continental army for three years; and that was all that was designed by the oath, or by the certificate. This view of the certificate derives additional force from another paper filed in the case, a copy of which is given on the same page of the report, (p. 194.) It is a receipt to Ensign George Eskridge, signed Martin Sebastian, dated January 4th, 1777, for the soldier's bounty of twenty dollars. This paper is unequivocal. It shows that Sebastian was enlisted by Eskridge, January 4th, 1777, when, it may be well inferred, Eskridge was in service.

Why was not a like receipt produced, showing the actual time of the enlistment of John George? It may be said the receipt was lost. It is true, it may have been. But why was not the certificate of the magistrate of the oath of Sebastian, as a soldier, produced? Was it because the oath was taken some time after the enlistment, and would thus prove that the other certificate was of no importance to show the actual time of enlistment? Or, was the certificate in the case of Sebastian also lost? All this may be, but a receipt for the bounty paid John George would, certainly, have been much more satisfactory than the certificate of the magistrate, and it is, certainly, very unfortunate, that *both* of these papers happen to be missing.

The report of the Committee on Public Lands is a labored and carefully prepared effort to overthrow the authority of the documentary evidence produced by former committees; for, without such overthrow, the author of the report is well aware the great mass of the claims cannot be defended.

The committee state, in their report, that they have had the advantage of the "vouchers in the executive department of Virginia," on which the warrants have issued; and yet, with this source of information at ready command, the case of Lieutenant Eskridge is the only one in which they have been able to produce a single *contemporaneous paper* which, even in their estimation, would seemingly shake the authority of those documents. But, from this paper, equivocal and unsatisfactory as it has been shown to be, the committee not only infer that Lieutenant Eskridge, in his settlement with Virginia, did not claim pay for several months' services which he performed, but, that he did not resign at the time his own written resignation was delivered to, and accepted by, General Washington.

The commentary of the committee upon this case is most singular and extraordinary. In order to reconcile what they term the "*two records*," they suppose, contrary to the written acceptance upon the resignation, that it was not accepted, but that Lieutenant Eskridge was permitted to go home and recruit; and, to account for the fact that he did not draw pay, in the settlement with Virginia, for any service after the 14th September, 1778, they suppose he was not paid by the paymaster after he left the army to recruit, and that, therefore, there was no *depreciation* for him to receive from Virginia after that period. Does the committee mean to be understood that he rendered this service after the 14th September, 1787, *gratuitously*? If not, why did they not inform us where he could have obtained his pay for it? The committee seem to forget that it was not only the *depreciation*, but the *full pay*, also, (when any was due,) that was settled by the auditors of Virginia under the act of 1781, and that, if Eskridge did not get his pay from the paymaster of the army, there was no possible mode in which he could have obtained it but in the before mentioned settlement, under the act of 1781. If he drew pay for any service after the 14th September, 1778, from the paymaster, it would have been in continental bills, for which depreciation could be claimed. If he drew no such pay, then the whole pay for his services would have been due. In either case he could receive it in the subsequent settlement with the auditors of Virginia, and in no other manner. (On this point, see report No. 871, 2d sess. 27th Cong., and two letters of Auditor Heath, appended thereto.)

But the consequences which the committee proceed to draw, from their conceived overthrow of the revolutionary records, by "*the record*" produced in the case of Eskridge, are, apparently, still more astonishing. "Hundreds of cases may have occurred, (say the committee,) where an officer served until after December, 1781, and yet his settlement of the depreciation account would cover a very short period. The late commissioner, John H. Smith,

formally stated this fact in several of his reports; so that the close of an officer's depreciation account is not *prima facie* evidence of determination of service. The executive of Virginia has always been aware of this fact; and with the books of the depreciation settlement before it, has given the due and proper weight to those evidences. It would be an endless task, almost, to show the instances of the allowance of land bounty to officers whose depreciation accounts were shown by other and stronger evidence not to have covered the whole time of service. If possible, we will obtain some satisfactory evidence elucidating this point, and insert the same in the appendix."

I confess myself somewhat at a loss how to treat this extract. A reader of the report, not intimately acquainted with the subject, would undoubtedly understand by its connexion with the case of Lt. Eskridge, and the language used, that the committee meant to be understood that there were hundreds of such cases as that of Eskridge, where the officer's services appeared, by their settlements with the auditors of Virginia, to have terminated, say, in 1778 or 1779, or 1780, in which it could be shown, by the strongest record evidence, that their services continued to a much later period of the war; and that, therefore, such settlements were no evidence whatever of the termination of such service, not even "*prima facie* evidence of termination of service." If the report is not so understood, it has no application to the case of Eskridge, nor has the extract, in any other sense, any tendency to discredit those settlements. If such is the meaning of the report, then I aver that the author of it has committed a most extraordinary mistake in regard to facts. I will not say that there is no case in which it appears by such settlements of the officer that his service terminated in any of those years, where record evidence of a continued further service cannot be produced; but I do say, that I have examined hundreds of cases in search of such an instance, and never found one. I do not believe any such single case exists; and I might ask, if such examples of record evidence, contradictory to these settlements, are so very plenty, why did not the committee bring forward one, instead of relying upon a straggling equivocal paper, in the case of Eskridge, with which alone to overthrow those ancient documents?

But the report above extracted is so worded as to be susceptible, at least by ingenious construction, of a different meaning. In that different meaning, however, it has not the slightest application to the case of Lieut. Eskridge, nor has it any tendency to discredit the authority of the ancient documents, but is entirely consistent with them. It will be recollected that these payments by Virginia were made for depreciation on pay received and for services rendered from the 1st day of January, 1777, to the 1st day of January, 1782. Of course, if an officer was paid at this settlement up to January 1, 1782, it would not follow that he did not continue to serve longer, for it is not likely that any considerable number of officers would cease to serve on that day, more than on any other particular day. All of the officers who were in service previous to

the 1st of January, 1782, and continued in service till the end of the war, would be paid till January, 1782, and no longer; because the act did not authorise payments to a later period. If, with this *key* to those settlements, this extract be re-examined, and especially if a little ingenuity be resorted to in its construction, it will be found to be a very harmless matter, and its statements to be well founded on facts; but the object of the committee in introducing it with *so much* show of importance, may seem difficult of comprehension.

"*Hundreds of cases,*" says the report, "*may have occurred, where an officer served till after December, 1781, and yet his settlement of the depreciation account would cover a very short period.*" No doubt the cases were numerous. If an officer entered the service, for instance, the 1st of October, 1781, and served till the disbanding of the army, in November, 1783, his depreciation account would cover the short period of only three months, to wit, from October 1, 1781, to January 1, 1782. Again: "*The late commissioner, John H. Smith, formally stated this fact in several of his reports.*" Very kind, this, in Commissioner Smith, to make so many formal statements of a fact which every body knew and admitted! "*So that,*" continues the report, "*the close of an officer's depreciation account is not prima facie evidence of determination of service.*"

Here a little ingenuity of construction may be requisite. At first view, the inference found in this sentence may *appear* to be broader than the premises from which it is drawn. It might seem that the writer intended to have it understood that this, his rule of evidence, applied to *all* cases, and especially to such a case as that of Lieutenant Eskridge, upon which he was commenting; but by construction, it should doubtless be intended to apply only to the case just before mentioned, of an officer who had served "*till after December, 1681,*" and to have no application whatever to any such case as that of Lieutenant Eskridge. "*The executive of Virginia has always been aware of this fact,*" continues the report. No doubt he has, and so has everybody else, who ever paid any attention to the subject. The only wonder is, that the writer of the report should have deemed it necessary "*so formally*" to proclaim this knowledge of the executive. "*It would be an endless task almost,*" says the report, "*to show the instances of the allowance of land bounty to officers, whose depreciation accounts were shown by other and stronger record evidence not to have covered the whole time of service.*" Here, again, a little skilful construction may be required. A common reader might, perhaps, *erroneously* understand that "it would be an endless task almost to show the instances" in which it appeared, by the settlement of an officer's depreciation account, like that of Lieutenant Eskridge's, that his service terminated before the last of December, 1781, where it had been shown "*by the strongest record evidence*" that the officer's service continued to a much later period; and, consequently, where the depreciation account "*did not cover the whole time.*" But by construction, this sentence in the report should merely be introduced to state, that in the cases of almost all officers, "*who*

served till after December, 1871," their depreciation accounts have been shown "by the highest record evidence not to have covered the whole time of service." This is unquestionably true, and no one ever doubted it. The service of no officer, which was rendered after December 31, 1781, could be shown by these documents, but could be shown by other record evidence; and so of any service previous to January 1, 1777, because the depreciation payments do not cover those periods of the war.

But all this has nothing to do with the case of George Eskridge, or any other officer, who, if he had served to the 1st of January, 1782, might have claimed and received pay till that time, but who, after the war, when all his services had been performed, settled his account, and claimed and received pay only until some previous date, say until some time in 1778, 1779, 1780. If he ceased to receive pay previous to December 31, 1781, is it not to be presumed that he then ceased to serve?

The commentary in the report upon the case of Lieutenant Eskridge concludes by stating, that the committee will, "if possible, obtain some satisfactory evidence elucidating this point," (in relation to the insufficiency of the depreciation accounts to show the service of an officer,) "*and insert the same in the appendix.*"

I have looked over the appendix and find nothing on the subject. If, as I suppose, this evidence was merely to show by records that the depreciation accounts of an officer who was in service previous to January 1, 1782, and continued in service afterwards, "did not cover his whole time of service," it would have been a very useless labor to obtain it. I can readily point to hundreds of such cases. But if the committee meant to be understood that they would furnish proof of record evidence, that numbers of officers, whose depreciation accounts terminated between January 1, 1777, and December 31, 1781, had served to a later period of the war, they have done the claimants very great injustice by not producing it. If any considerable number of such cases can be produced, I will cease to uphold the authority of ancient revolutionary records, and even abandon all opposition to these claims. And although it is said that there may be exceptions to all general rules, yet I do not believe there are any to the rule, *that if an officer claimed pay for any service under the Virginia act of 1781, he claimed for all the service he performed during the period of five years for which payments were made.*

I have been thus particular in the examination of this case, both because of the extraordinary remarks of the committee upon it, and because the examination will serve to show the application of these settlements to these claims, a familiar acquaintance with which is very necessary in testing their validity. It is not for me to divine the object of the writer of this report in introducing with so much formality and show of importance so trifling a matter. No one can suppose it was the intention of the committee, or any one of its members, to practice a deception upon the House; and yet, unless this part of the report operated to deceive, it could be of no use whatever in sustaining the views of the committee.

Of the 650,000 acres of warrants which the bill of the Committee on Public Lands proposes to satisfy, between two and three hundred thousand acres are for warrants issued by the executive of Virginia for alleged services in the *continental* line, the residue of the warrants being divided between allowances for services in the State line and *State* navy. Of the above mentioned *continental* line warrants, about 200,000 acres are contained in warrants issued between September 1, 1835, and February 10, 1840, to 66 persons or their heirs for services as officers, of which officers, the dates of their allowances, and the quantity of land allowed to each, the select committee of 1842 were in possession of an official list from the Virginia executive department. That committee, in their report, examined each of these 66 cases in succession, and from such evidence as was within their access came to the conclusion that all of them, with one or two exceptions as to parts of allowances, were unfounded claims. The Committee on Public Lands, in the report now under consideration, have undertaken to review the report of the select committee on the several claims, and to show that the individual claims *are well founded*. Of these 66 cases, the Committee on Public Lands justify the allowance of 38, on the ground that *the classes or denominations* of officers to which they belonged were entitled to the bounty, contrary to the opinion of the select committee, who reported that the classes were not entitled to it, even if the persons had performed the requisite length of service. It will, however, be seen hereafter that a considerable proportion of the officers belonging to such classes or denominations, did not perform the requisite length of service to entitle them to the bounty, even if the service itself had been of such a character as was required by the laws of Virginia.

Of the foregoing 38 cases, 24 are for allowances of the *additional bounty* for a continued service of over six years, when the officer *died*, without performing it; (see report of Committee on Public Lands, page 109;) 6 are for services of *staff officers*, as such; (see page 123;) 4 are for services as *hospital surgeons*; (see page 132;) 3 are for services in the *convention guards*; (see page 115;) and 2 as supernumerary officers of 1778, (see page 127.) There are other names of officers mentioned on the pages of the report here cited, but they are either officers whose claims have long since been paid, and which are not mentioned in the report of the select committee, or they do not belong to the class designated in the report.

The question here stated in regard to the rights of these several classes of officers to the bounties under the provisions of Virginia, (except that in regard to the right of supernumerary officers of 1778,) have heretofore been very fully argued in various reports now among the printed documents of the House; and as nothing new on the subject is found in this report, I shall not undertake to re-argue the questions at length. Upon the point that the *additional* bounty for a continental service beyond the term of six years, was not promised to officers who had died before performing a service of six years, I would refer to the report of the select

committee of 1842, page 19, and to an official opinion of the attorney general of Virginia, being document No. 45, appended to the journal of the house of delegates for 1834.

I will, however, state, briefly, my views of the question. In 1779 and 1780, the legislature of Virginia promised bounties, of certain specified quantities of land, to such of her officers as should serve throughout the whole war, and also provided that the bounties promised by those laws should not be forfeited by the death of an officer in the service, but should go to his heirs.—(10 Hen. Stat., 160 and 374.) In May, 1782, when the officers of the army were clamoring for their monthly pay—which neither Congress or Virginia were able to furnish—and when many of them were threatening to leave the service, in which, indeed, they could not well be expected to continue without some aid from the government, the general assembly of Virginia enacted as follows, viz:

“That any officer or soldier who hath not been cashiered or superseded, and who hath served the term of three years, successively, shall have an absolute and unconditional title to his respective apportionment of the land appropriated as aforesaid; and for every year every officer or soldier may have continued, or shall hereafter continue in service, beyond the term of six years, to be computed from the time he last went into service, he shall be entitled to one-sixth part in addition to the quantity of land apportioned to his rank, respectively.”—(11th Hen. Stat., 84.)

The object of this provision is very apparent. The allowance of a bounty where a service of three years had been performed, without compelling the officer to wait, under the old law, until the termination of the war, was in part to reward him for past services, but principally to give him immediate relief; and the additional bounty was offered as an inducement to him still to continue in the service for any indefinite period that his service might be required. It will be observed that the additional bounty was in exact proportion to the length of service; or, in other words, it was a compensation for services, payable in land, in addition to the monthly pay. Thus, for a year's additional service, a colonel was promised 1,111 acres of land; a lieutenant colonel, 1,000 acres; a captain, 666 acres, and so of the other officers, in proportion to their former bounties.

There is no provision in this act that the heirs of the officer should continue to draw the bounty after his death. When the officer ceased to serve, either by death or resignation, his additional bounty would cease, as much as his monthly pay; and his heirs could as well claim the continuance of the one as the other. Much less could the heirs of an officer, who had died many years before the passage of the act, claim that their ancestor, notwithstanding his death, was still continuing to serve, and would go on continuing to serve, so long as the war should continue, however long that might be. But this latter is precisely the claim now made; and the allowances now in controversy are all for services thus construed to be beyond the term of six years, when the officer is admitted to have died long before the passage of this act, and without, in any in-

stance, having actually served the term of six years. If an officer, for example, began to serve the 3d of November, 1775, and died in three months afterwards, his time of service is reckoned to have continued until the discharging of the army on the 3d of November, 1783, a period of eight years; and a warrant is issued to his heirs for the *additional* bounty for *two* years service, besides the original bounty to which, it was provided by the acts of 1779 and 1780, the heirs should be entitled.

It may be further mentioned, in regard to this *additional* bounty, that during the long period of forty-eight years which elapsed from 1782 up to the year 1830, it does not seem to have occurred to any one that an officer who had died at an early period of the war, had continued to serve to the end of it, and beyond the term of six years, within the meaning of the act of 1782. But, after the United States had made provision for the satisfaction, in scrip, of a large quantity of the warrants, and fortunes began to be rapidly made in obtaining them, the ingenuity of the claim-jobbers hit upon the device of this novel construction, as opening a new field for their operations. Claims of this description were presented to the Executive, the opinion of the Attorney General taken, and, it is believed, the claims were at first overruled by Governor Tazwell. But, notwithstanding the opinion of the Attorney General was decidedly against the claims, and his arguments entirely conclusive, it was not adhered to. Commissioner Smith, who had been appointed by the assembly to hunt up these old claims, and report upon them to the Executive, having reported favorably upon them, they were recognized as valid, and warrants of this description, for several hundred thousand acres, have since been issued.

The allowances of bounties to *staff officers*, as such, to *hospital surgeons*, and to officers of the *convention guards*, have the same modern date as the allowances of the *additional* bounty to the heirs of deceased officers, and owe their existence to the same causes; to the assumption of the warrants by the United States, and the consequent rage for speculation in the claims—the torrents of which the executive of Virginia has been either unable or indisposed to stem.

The laws of Virginia promising the counties, engaged them to certain specified officers *of the line*, designating the quantity of land to which each should be entitled; and it was always understood that no *staff officer*, by virtue of any rank which his staff appointment gave him could claim the bounty. If a staff officer was also an officer of the line as was sometimes the case, he was entitled to the bounty as an officer of the line, and according to his rank in the line, without any reference to his rank in the staff; but, if he was only a staff officer he could not claim it. The land bounties of Congress were engaged to continental officers by the same descriptive words as those by Virginia, and they were never allowed to staff officers. There were good reasons for this distinction. The bounties were offered as inducements to officers to enter and continue in the service throughout the war; and because, without the promise of such bounties, proper officers could not be obtained.

But staff appointments were more temporary in their character, were in general eagerly sought after, and there was no difficulty in filling them. Not a single allowance to a staff officer as such, except (field surgeons, their mates, and chaplains, specially promised the bounty,) was made until after the year 1830, since which time the bounty has been freely granted to paymasters, quartermasters, commissaries, conductors of military stores, adjutants, brigade majors, and to every name and description of persons who could be styled officers of the staff, whether their duties were either of a military or a civil character.

But I will not further re argue this question. For a more full view of the subject I would refer to the report of the select committee, p. 18; to reports No. 436, 1st sess. 26th Congress, p. 37; and No. 263, 2d sess. 27th Congress; and to a report of John H. Smith, as commissioner of revolutionary claims of Virginia, being document No. 33, appended to the journal of the House of Delegates for 1833, p. 2, in which Mr. Smith declares his opinion that *staff officers* are not entitled to the bounty under the laws of Virginia, but says "a different rule of decision has prevailed in the executive department." He does not however state the fact, that it had only prevailed for a short period, or that he himself, as commissioner, uniformly reported in favor of such individual claims.

Among the staff officers who have thus recently been allowed the land bounty are surgeons, and surgeon's mates, not attached to the army but serving in hospitals. All the arguments which exclude the staff officers apply equally to them; with this additional one, that the act of the assembly of Virginia, which promised the bounty to surgeons and surgeon's mates, expressly engages it to surgeons and surgeon's mates "to any regiment or brigade of officers and soldiers, &c.," thus by clear implication excluding from the bounty surgeons and surgeon's mates *serving in hospitals* and not in the army. Without detaining you with any further arguments on this point, I beg leave to refer you to the report of the select committee, page 18, and report No. 485, 2d sess. 27th Congress, p. 8, for more full views of this matter.

The grounds on which the select committee of 1842 were of opinion that the supernumerary officers of 1778 are not entitled to the Virginia bounty, are not stated by that committee in detail, perhaps because they did not consider it a question which required argument. But, as the Committee of Public Lands have debated it at some length, I will give you my views of it in a few words.

It is true, as stated by the Committee on Public Lands, that supernumerary officers, of September, 1778, have always been allowed the land bounty promised by Congress; but the resolution of Congress engaging the bounty, which was passed September 16, 1776, promised it to the officer for a service until the end of the war, "*or until discharged by Congress,*" and it was very properly considered that, when an officer was left out of service by any new arrangement of the army, he was "discharged by Congress," and entitled to the bounty. The law of Virginia made no provision for the payment of the bounty in the case of the *discharge* of an officer

from service. But there is this further distinction between the two cases, which is still more important. The officers who were discharged as supernumeraries, in September, 1778, had been previously promised the United States bounty; the promise was a part of the contract under which they were serving. But it was not so in regard to the Virginia bounty. That bounty had not then been engaged, and it was not until afterwards, in 1779, that the Virginia bounties were promised. The supernumerary officers having entered the service without any promise of land from Virginia, and having left it before it was engaged, and the engagement when made applying only to those officers who, at the time of the passage of the act, were in the service, or might thereafter enter it. I do not perceive how such supernumeraries could possibly claim the bounty. It seems, from there port of the Committee on Public Lands, that the land bounty was inadvertently allowed to one of these supernumerary officers as early as December, 1782, from which time all such allowances ceased until about the year 1807, when they began again to be admitted. It appears, then, that the early construction of the law was against these claims, as it undoubtedly should have been. I, therefore, think the conclusion of the select committee, in regard to these cases, was correct, and that the views of the Committee on Public Lands are erroneous.

The *convention guards* were a regiment of volunteers for one year, raised in the winter of 1778-'9, under resolutions of the Virginia assembly, in pursuance of the recommendation of Congress, for the purpose of supplying the place of drafts from the militia in guarding the prisoners of Burgoyne's army. The officers were appointed and commissioned by Virginia, and never by Congress, and they were not bound to serve through the war, or to perform the general duties of continental officers; but it was expressly provided in the resolutions of Congress, recommending the raising of the regiment, that the troops composing it "should be *stationed at, and not removed* from, the barracks in Albemarle county, as guards over the convention troops," except that they might be removed "to such distance as the duty of the post might require." A part of the officers were continued in service until June, 1781, when, the prisoners being removed from the State, the regiment was disbanded, and the officers discharged; the longest service of any officer therein being two years and six months. This regiment was never treated by Congress or Virginia as a part of her continental line. The officers were not allowed the United States bounty or commutation pay, to which continental officers were entitled, and never, until since 1830, allowed the Virginia bounty. Since then, however, they have been allowed the latter bounty, for the United States to pay, though most clearly not entitled to it. For a full account of this regiment, and the grounds of their claims, see report No. 436, 1st session 26th Congress, page 43; and a report on the case of the colonel of the regiment, No. 400, 2d session, 27th Congress; also, report of select committee, page 18.

Having stated, as fully as my limited time will admit, my general views in regard to these claims, I will now proceed, as rapidly

as possible, to take a view of each of the several 66 cases reported on by the select committee, giving due weight to any new light thrown upon them in the report of the Committee on Public Lands.

The Committee on Public Lands have omitted to notice in any manner, in their report, *nine* of these 66 cases, for the reason, it is presumed, that no argument could be found in their favor. They are the following cases, viz: an allowance of 6,666 $\frac{2}{3}$ acres for the service of Colonel *Mordecai Buckner*, who was cashiered for cowardice; 4,000 acres to Captain *Jacob Cohen*, who was a militia officer only; 4,000 acres to Captain *Edward Diggs*, who had no claim; 2,666 $\frac{2}{3}$ acres to Lieutenant *Thomas Gordon*, a Maryland officer; 2,666 $\frac{2}{3}$ acres to *James Hackley*, who was no officer; 4,000 acres to Captain *James Langdon*, who served less than 14 months; 2,666 $\frac{2}{3}$ acres to Lieutenant *William Madison*, who served only a few months in the militia; 4,000 acres to Captain *Joseph Micheaux*, who served but ten months; and 671 acres to Captain *Larken Smith*, additional bounty, for a service of over six years, which service he had not performed. Although the Committee on Public Lands do not undertake to defend these claims, they nevertheless provide for their payment in the bill reported, the quantity of land necessary to satisfy them being 31,837 $\frac{2}{3}$ acres, or nearly 48 square miles of land.

The following cases are for additional bounties for a service beyond the term of six years, where the officers are admitted by the Committee on Public Lands to have died in the service without performing it, viz: Captain *Dohicky Arundel*, 1,082 acres; Colonel *Thomas Bullett*, 2,703 acres; Major *John Brent*, 1,500 acres; Captain *John Blair*, 1,222 acres; Ensign *Wm. B. Bunting*, 814 acres; Colonel *Wm. Crawford*, 2,037 acres; Colonel *Richard Campbell*, 1,114 acres; Major *Matthew Donovan*, 1,560 acres; Chaplain *F. F. Dunlap*, 1,500 acres; Major *Edward Dickinson*, 1,522 acres; Lieutenant *Henry Field*, 744 acres; Captain *Wm. Gregory*, 1,148 acres; Lieutenant Colonel *R. H. Harrison*, 2,000 acres; Captain *William Kelly*, 1,777 acres; Captain *Reuben Lipscomb*, 1,110 acres; General *Hugh Mercer*, 884 acres; Colonel *Richard Parker*, 2,361 acres; Lieutenant Colonel *Charles Porterfield*, 2,333 acres; Surgeon *John Ramsay*, 1,093 acres; Colonel *Isaac Read*, 1,766 acres; Lieutenant Colonel *Wm. Taliaferro*, 522 acres; Lieutenant *John Wilson*, 496 acres; Lieutenant *Edward Wade*, 814 acres; and Captain *John Washington*, 1,104 acres; making, in the whole of this class of claims, 32,206 acres. Most of these officers served less than three years, and some of them not more than two or three months, and none of them six years; and yet all this land is allowed for a supposed service in each case beyond the term of six years. Several of these officers were not entitled to this bounty for other reasons: thus, neither Major John Brent nor Lieutenant Henry Field died in the service, but both resigned before serving three years; Colonel Thomas Bullett was a commissary, and, as a staff officer, not entitled to any bounty; Lieutenant Colonel Harrison was a staff officer, and from Maryland, not Virginia; and Dr. John Ramsay was a hospital surgeon, and for that reason not entitled; all of

which may be seen by reference to the report of the select committee of 1842. To the heirs of some of these officers the *original* bounty has also been allowed since 1835, their right to which will be noticed hereafter.

The following allowances were for services in the *staff department*, besides the two cases of *Bullett* and *Harrison* just mentioned, and are bad on that ground, to wit: *Francis T. Brook*, as quartermaster, 2,666 $\frac{2}{3}$ acres, in addition to the same quantity properly allowed him, as lieutenant of the line, in 1784; Quartermaster *John Fitzpatrick*, 2,666 $\frac{2}{3}$ acres, who had, however, served in that capacity only 18 months; Hospital Surgeon *David Gould*, 6,000 acres; Brigadier Major *Daniel Leet*, 5,333 $\frac{1}{3}$ acres; Paymaster *Jacob Moore*, for additional bounty, 595 acres; Hospital Surgeon *Shubael Pratt*, 6,000 acres, and for only 1 year and 3 months' service in that capacity; Hospital Surgeon *William Rumney*, 6,000 acres, and for a service of only two years; Hospital Surgeon's Mate *Wm. Ramsay*, 4,370 acres, for a service of 6 years and 6 $\frac{1}{2}$ months; making the amount of these allowances to staff officers to whom the bounty was not promised 33,631 $\frac{2}{3}$ acres.

In regard to Surgeon *Pratt's* allowance, the Committee on Public Lands say, "the proof in the case is *perfectly satisfactory* that he was surgeon to the 9th regiment, in January, 1776, and marched with the regiment to the north, and continued with it till its capture at the battle of Germantown; that he remained during the winter with the army; returned to Virginia in the spring, and continued to act as surgeon to the recruits on the eastern shore," and, that the records prove the residue of the service "about three years and six months." From this they would have it inferred, not only that he served over three years, but as a *regimental* surgeon, also. But, as the committee have not thought proper to state what this "*perfectly satisfactory evidence*" is, I must be allowed to doubt its sufficiency, especially as I find the evidence appears about equally satisfactory to said committee, in nearly all cases; and the more especially, because I think Surgeon Pratt, when, in June, 1784, he settled his account with Virginia, knew better what his services had been than the affidavit makers, introduced by his heirs fifty years afterwards; and that, if he had performed such service, he would not have been content to receive pay, as he did, for a service of only one year and three months, commencing March 12, 1778, and ending June 12, 1779. If Surgeon Pratt entered the service in 1776, and continued in it until the battle of Germantown, October 4, 1777, and remained with the army through the following winter, there would have been due him, for depreciation pay alone, more than five hundred dollars; which I have no idea he would have relinquished in that settlement, if he had performed the service entitling him to it. I am still of the opinion that he performed only the service for which he was paid, and could not have had any right to the bounty.

The following allowances were for services in the *convention guards*, to wit: 962 acres to Captain *Ambrose Madison*, in April, 1838, in addition to 4,000 acres allowed him in 1834, and already

paid, the additional allowance being for a service of one year and five months over six years; it appearing from his settlement with Virginia in 1783, that he served eight months and five days in the guards, in 1779, and as paymaster to the 2d regiment from 1st February, 1777, to 1st August, 1778, about two years and two months, in the whole; to Surgeon *Charles Taylor* 6,000 acres, for a service, as appears by his settlement with Virginia, in July, 1783, of six months and twenty days, from October 26, 1779, to May 15, 1780, in the *convention guards*; to Captain *Benjamin Timberlake*, 4,000 acres, for a service in the guards of nine months, from the 13th of January to the 12th of October, 1779, as appears by his settlement with Virginia, in July, 1783; the whole of these allowances for service in the guards amounting to 10,962 acres, none of the officers having served the requisite term of three years; and the service, had it continued that length of time, not entitling them to the bounty.

Among the 66 cases before mentioned, there are only two to officers who became supernumerary by the arrangement of the army, in September, 1778, viz: Lieutenant *Richard Rouett*, who is described by the arrangement as "unanimously thought by all the officers of the regiment, as an improper person for an officer," was allowed, March 17, 1837, 2,666 $\frac{2}{3}$ acres, to which, as has been before seen, he was not entitled. Captain *James Davis*, on the 23d of June, 1838, was allowed an *additional* bounty of 666 $\frac{2}{3}$ acres for a seventh year's service; he having confessedly left the service in September, 1778, a supernumerary; both these allowances amounting to 3,333 $\frac{1}{3}$ acres.

I will now notice, as briefly as possible, the residue of the 66 cases, upon which the select committee and the Committee on Public Lands differ.

The first case is that of Captain *Dohicky Arundel*, who, it appears by the report of the Committee on Public Lands, was killed in battle at Gwin's Island, in Virginia, while serving in the artillery, July 8, 1776. (See their report, 108 and 168.) His heirs were allowed, in 1837 and 1838, not only the original bounty of 4,000 acres, but an *additional* bounty of 1,082 acres, for a service of one year and twenty days over six years. This latter bounty, I think, I have already shown to be unfounded in the revolutionary promises of Virginia, and I am very clear that the original bounty is equally so. The Committee on Public Lands seem to think, that because the select committee were not aware of the death of Captain Arundel, they have done his memory great injustice, and they exhibit this case as an example of the rashness of the select committee in deciding against the validity of these claims.

The question was not and is not now what were the merits of Captain Arundel, or the value of his services, but whether Virginia, during the revolution, had engaged the land bounty to his heirs. Not being possessed of the evidence on which his claim was allowed, the select committee examined it, in all its aspects, to see if it were "possible it could be well founded," (see their report, page 25.) They first inquired whether it were possible he had

served three years in the Virginia line, and were abundantly satisfied he had not, and that he was out of service before November, 1776. So far, at least, it turns out they were right. They then considered the question whether if he had died in the artillery service in Virginia, previous to November, 1776, he could be entitled to the bounty, and expressed the opinion that he could not, "*because he was a foreign officer, and could not have been incorporated into the Virginia line;*" I think this opinion will be found to be correct. The Committee on Public Lands say that, "*foreign officers, serving in the Virginia line the requisite period, became as much entitled to the land bounty as those who were citizens.*" I do not know that I clearly understand what the committee intend by this assertion. If they mean that when a continental regiment was organized in Virginia, if a foreigner should be appointed *an officer in the regiment* and commissioned by Congress as such, he would be entitled to the same bounty as a citizen officer, I do not dispute it. The officer would then form a part of a regiment of the line of that State, and being thus adopted as such, he ought to become entitled to all its emoluments, without reference to his citizenship. But if they mean that an officer becomes a part of the line by simply serving in the State, or by merely having the command of Virginia troops, I do not agree with them. General Lafayette was in command of the Virginia line, and in Virginia during the principal part of the summer of 1781. Did any one ever suppose he belonged to the Virginia line, or to the line of any other State? General Mercer was a citizen of Virginia, and was undoubtedly credited to that State as a part of its quota of the line. General Lafayette was not a citizen of any State, he was appointed and commissioned by Congress *at large*, and his service in Virginia, and in command of Virginia troops, did not make him an officer of the line of that State; nor did the service of Baron De Kalb in North Carolina, and his death in the service in that State, make him an officer of the North Carolina line. There were numbers of officers, principally foreigners of all ranks, who were thus commissioned at large, and did not belong to the line of any State, but were liable to any service Congress or the commanding general might designate, and these officers, not being provided for by any of the States, had special provision made for them by Congress. Thus Congress recommended to the several States, to make good the depreciation of their respective lines of the army, and promised that Congress would make good the same to all officers "*below the rank of brigadier general, who did not belong to the line of any particular State.*" A similar designation is made in the resolutions commuting the half pay of officers. (See resolutions of Congress, of December 31, 1781, and March 22, 1783.) Captain Dohicky Arundel was an officer of this description. The first notice which Congress seems to have taken of him was February 8, 1776, when an order was drawn on the treasurer for 1,000 dollars, in favor of "*Dohicky Arundel,*" and he was directed immediately to repair to General Schuyler, then in command at Ticonderoga. March 19, 1776, Congress resolved that "*Monsieur Dohicky Arundel, be appointed a Captain of artillery*"

in the continental service." March 30, Congress resolved "that 60 dollars be advanced to Captain Arundel, to be deducted out of his pay, and that he be directed immediately to repair to the southern department, and put himself under the command of General Lee," who had the command of that department. April 1, 1776, Congress resolved that Captain Arundel be allowed 48½ dollars, in full, for pay and subsistence from the 8th of February, the time he was recommended to Congress, to the 19th of March, when he received his commission.

It seems evident from these resolutions, that Captain Arundel was supposed to be skilful as an artillery officer, and that he was appointed a captain without the designation of any corps, with a view to his employment wherever his services might be most useful. He repaired to the south, where it would seem, from the letters of General Lee to Congress, (in the State Department,) he was, notwithstanding some dissatisfaction of the officers then in service, temporarily employed in the Virginia artillery; and, being in command, he would doubtless be treated, for the time being, by the Virginia authorities, as a captain in that service, and charged, like any other captain, with supplies furnished the company under his command. But he was subject to be transferred by Congress, or by General Lee, to any other service which might be thought advisable. The land bounty was allowed to the heirs of Captain Arundel as an officer of the Virginia *continental* line, and it is very certain he could not have been entitled to the bounty as an officer of the *State* line, for there is no pretence that he was appointed or commissioned by the authorities of Virginia. It is equally certain that he could not, at the time of his death, have been an officer of the *continental* line of that State, because there was then no artillery troops, either officers or men, that had been raised by Virginia, which belonged to the *continental* line. It appears that, previous to November 26, 1776, two companies of artillery had been raised in that State, but they were State troops, and did not belong to the continental line. On that day, Congress resolved that a regiment of artillery "be raised in the State of Virginia on continental establishment," and "that the two companies already raised there be part of the said regiment;" and on the 30th of November, Congress proceeded to appoint the officers of the regiment. From the 26th of November, 1776, the two companies became a part of the Virginia continental line, but previous to that date they were mere State officers. If any of the officers of those two companies had died previous to the companies' being adopted into the continental line, they could not have been entitled to the bounty as continental officers. Whether, if they were bound to permanent service under their commissions from the State, they would have been entitled to their commission as *State officers*, it is unnecessary, in this case, to inquire. There is no pretence, as before stated, that Captain Arundel had a State commission, or had, in any manner, been appointed an officer by the State. He could not be entitled to the Virginia bounty, as an officer of the continental line, both because he was an officer commissioned by Congress, independent

of the line of any particular State, and not in the line of Virginia, and because there were no troops of the Virginia continental line, of which he could possibly be an officer. I therefore think it very clear that the promise of Virginia, of her land bounty, to the legal representatives of any of her officers "on continental establishment," who had died in the service, by act of October, 1780, (and that is the only act that has any application to this question,) did not extend to the legal representatives of Captain Arundel, and that the allowance of the original bounty of 4,000 acres to them, was wholly unauthorized.

Captain *Peter Barnard's heirs* were allowed 4,000 acres in August, 1837, for a service of three years. The select committee, finding from the settlement he made with the auditors of Virginia in September, 1783, that he was paid for a service from the 1st of January, 1777, to September 1, 1779, and by original muster-rolls in the Third Auditor's office, that he resigned August 24, 1779, were satisfied he could not have served three years, and reported the allowance as bad. The Committee on Public Lands (see page 132) not only consider the claim good, but present the report of the select committee upon it, as "another striking case of the harshest and most cruel injustice to the heirs of Captain Barnard." To show the great extent of this injustice, they give, in the appendix, pages 171 to 175, the whole of the evidence upon which the claim was allowed by the executive of Virginia. The evidence consists of the affidavits of Almon Dunton, Isaac Smith, and John Christian, sworn to in 1833, and certain items of charge from the Virginia books against Captain Barnard, together with a certificate showing for what service he was allowed, in his settlement with Virginia in 1783. This certificate shows the same service above mentioned, ending September 1, 1779; and the charges from the Virginia books are dated in 1778, and July and August, 1779, during the period which the select committee had admitted he had served.

All the three witnesses agree that Captain Barnard entered the service and recruited his company in the early part of the year 1777, which agrees with his settlement with Virginia, and they differ only in the supposed time when he returned from service at the north to Virginia, which Almon Dunton says was "late in the winter of 1780-'81; that witness was in the service at the north, and that Captain Barnard returned, with his company, from the north, at the same time witness did." Isaac Smith says "Captain Barnard returned in the spring of 1781;" that, in the course of the summer of 1781, he entered the *militia* service, and remained in such service till after the siege of York. John Christian says Captain Barnard marched to the north in the spring of 1778, "where he remained in active service till the spring of 1781." Now, I think that these three witnesses are more likely, after a lapse of fifty years, to have forgotten the precise time when Captain Barnard returned from the north, than that Captain Barnard himself, in 1783, should have forgotten it; and that there is no doubt he resigned August 24, 1779, as stated on the muster rolls, and was

paid in his settlement for the additional seven days in which he was returning home. But there is undoubted historical evidence directly contradicting these witnesses. It will appear from the letters of General Washington, (Spark's correspondence,) that the whole Virginia line, officers and men, including the two State regiments then in service, marched from the north to Virginia in December, 1779, and never again returned to the north. So that Captain Barnard *must* have returned to Virginia as early as the winter of 1779-'80, one year earlier than the witnesses state. There can be no doubt he returned in August, 1779, immediately after his resignation. His service having terminated September 1, 1779, he should have been in the regular service as early as September 1, 1776, in order to have served three years, and thus be entitled to the bounty. All the witnesses agree that he entered the service early in 1777; but the committee say "it appeared, by the executive journal, that he was a captain on the 10th of August, 1776. Of *what* he was a captain the committee do not state. If it was a captain of *militia* merely the committee ought not to have stated the fact, because it would not aid his claim. If it was in the *regular service* they ought to have so declared, because, if he then entered the regular line, and continued therein till the 1st of January, 1779, his claim to the bounty would have been fully established. It appears by the charges against Captain Barnard, furnished by the Committee on Public Lands, (p. 174,) that he belonged to the 2d State regiment. The act, under which this regiment was raised, will be found in the 9th of Henning's stat., 192, and it appears by the journal of the house of delegates to have been passed December 17, 1776. Captain Barnard could not, of course, have entered the service in this regiment before it was raised, and consequently his term of service could not have commenced earlier than December 17, 1776. (See the case of Colonel Haynes Morgan, report of select committee, page 40.) Having served at the most about two years and eight months, he could not have been entitled to the bounty. I think, therefore, that the Committee on Public Lands, in the case of Captain Barnard, have done the United States the "harshest and most cruel injustice," by endeavoring to make them responsible, in the sum of five thousand dollars, for a promise of Virginia which Virginia never made.

The heirs of Lieutenant *Daniel Bedinger*, on the 14th of June, 1839, were allowed the *additional* bounty of 418 acres, for a service of one year and two months beyond the term of six years. It appearing by the rolls that Lieutenant Bedinger entered the service as ensign, February 14, 1781, the select committee were of the opinion that he could not have served seven years and two months, and deemed the claim unfounded. By the report of the Committee on Public Lands, it appears that the claim was allowed on the certificate, not under oath, of Samuel Tinsley, signing himself "late major in the Virginia line," and certifying that Lieutenant Bedinger entered the service in July or August, 1776, and served till the dismissal of the army in South Carolina in 1783, the certificate being dated in October, 1808. It does not state in what rank

or corps Lieutenant Bedinger served, except in the latter part of the war, about which service there is no dispute, or how he came to the knowledge of his entering into and continuing in the service; and as the service of Samuel Tinsley himself is not shown by the rolls to have continued any considerable portion of the war, I must be allowed to doubt the sufficiency of the evidence to show a continued service for the time of seven years and two months. The Committee on Public Lands, however, consider it "positive evidence of the highest character." It may be added that Lieutenant Bedinger drew his original bounty of 2,656 $\frac{2}{3}$ acres, for a service to the end of the war, to which he was entitled, December 20, 1783. The war was then closed, and if he had performed this long service, why did he not then obtain the bounty for it? It seems that Samuel Tinsley, in 1808, and his heirs, in 1839, understood the extent of his claim better than he did himself.

Chaplain *John Cordell's* heirs were allowed a bounty of 6,000 acres in January, 1837. It appearing by muster rolls in the Third Auditor's office, that John Cordell was appointed chaplain, February 15, 1775, and that, on the 4th of April, 1783, he was paid by Virginia for a service ending January 1, 1779, the select committee were of opinion he could not have served three years, and deemed the claim unfounded. The Committee on Public Lands consider the claim as good, and say it was allowed on the certificate of General Morgan that he became supernumerary, January 1, 1779. If so, his heirs could not have been entitled to the bounty, because it was not promised to supernumerary officers, and because Chaplain Cordell did not serve under any promise of the bounty, the State bounty not having been engaged until May, 1779, after he had left the service, as has hereinbefore been more fully shown.

Captain *Francis Conway's* heirs were allowed 4,000 acres, September 1, 1838, for a service of three years. This claim I have hereinbefore shown to be unfounded.

Lieutenant *George Eskridge*. His heirs were allowed 2,666 $\frac{2}{3}$ acres, January 18, 1838. This claim has also been hereinbefore shown to be bad.

Lieutenant *Joseph Holliday*. The allowance of 3,444 acres to his heirs, May, 1838, has also hereinbefore been shown to have been unfounded.

The heirs of *Joseph Holt* were allowed the bounty of 2,666 $\frac{2}{3}$ acres, July 23, 1838. He settled his account with the auditors of Virginia, March 29, 1784, and received pay for a service ending April 2, 1778. It appears, from muster rolls in the Third Auditor's office, that Lieutenant Holt resigned, April 1, 1778, and his original commission, with the endorsement of his resignation upon it, accepted April 1, 1778, is now among the Washington papers in the State Department. As he could not possibly have served three years, the select committee very properly reported it to be an unfounded allowance. The Committee on Public Lands seem to treat this as a good claim, though, by their own showing, they do not make out a service of three years.

The heirs of Captain *Thomas H. Luckett* were allowed the boun-

ty of 5,500 acres, January 9, 1838, for a service of eight years and two months in the Virginia continental line. He was a *Maryland* and not a *Virginia* officer, as was very clearly shown by the select committee in their report, pages 31 and 39, and was not, therefore, entitled to the bounty. But as the Committee on Public Lands still seem to consider it a good claim, I will take some further notice of it. Captain Luckett was an officer of Colonel Stevenson's (afterwards Colonel Rawling's) rifle regiment, which regiment was raised partly in Virginia and partly in Maryland, and the only question is, to which part of the regiment he belonged. It appears by the Journal of Congress, of June 27, 1776, that the regiment was to be composed of three rifle companies, then in service in New York, and six additional companies, four of which were to be raised in Virginia, and two in Maryland. The Journal of the 9th of July, 1776, shows that the officers of one of the Virginia companies were appointed, and that the delegates from Virginia were to write to the county committee of that State, to recommend officers to fill up the others. This provided for the Virginia part of the regiment. The Journal of the 11th of July, 1776, states that "the general having recommended the following gentlemen to be officers of the *two remaining* rifle companies of Colonel Stevenson's battalion at New York, viz: Philemon Griffith, captain, *Thomas Hussey Luckett*, first lieutenant, and then names the other officers of the two companies. This seems very conclusively to show, that Lieutenant, afterwards *Captain Luckett*, belonged to the Maryland part of the regiment. The principal part of the officers and men of the regiment were made prisoners of war, at the capture of Fort Washington, in November, 1776, and most of the officers, among whom was Captain Luckett, remained prisoners until 1780, when the regiment was disorganized. The Virginia portion of the officers were then arranged to other regiments of the Virginia line, and the Maryland portion of the officers, Captain Luckett being one, became *supernumerary*. This disposition of the regiment, and also the fact that Captain Luckett belonged to the Maryland portion of the regiment, very fully appears by an affidavit of Captain Henry Bedinger, an officer of the regiment, and which formed a part of the evidence on which the bounty was granted by the Virginia executive. (For that portion of the affidavit which relates to this point, see the report of the select committee, page 39.) It further appears by records in the Third Auditor's office, that Captain Luckett received his depreciation pay of the State of Maryland, and that he was paid his commutation of half pay by the United States as a Maryland officer. His name was also returned, at the close of the war, among the Maryland and not among the Virginia officers, as entitled to the United States land bounty, and may now be so found in the bounty land office. All this, however, seems quite immaterial to the Committee on Public Lands, who say the real question is, whether Captain Luckett was a *Virginian*; and to show that he was, they quote from an affidavit of Edward Fitzgerald, filed in the case, in which the witness says, "he was well acquainted with Major Thomas H. Luckett, about the year 1781; and that said Luckett returned into the county of Lou-

don aforesaid, *from his imprisonment, &c., &c.*, and that he afterwards resided there till the time of his death, in 1786." "This and other evidence," say the committee, "satisfied the executive that Captain Luckett was a Virginian, and consequently entitled to the bounty." The committee do not say what this "*other evidence*" was, that helped to satisfy the executive that Captain Luckett was a Virginian; but I hope the next committee that reports in favor of this claim will not omit to furnish it. I happen to have before me a certified copy from the Virginia executive department of all the evidence on which this claim was allowed, but I have looked in vain for this "*other evidence*." The committee have given, in their appendix, a copy of an affidavit of Captain Bedinger, belonging to the case, which says nothing upon the question whether Captain Luckett was a Maryland or a Virginia officer, or in regard to his residence, but have entirely omitted to notice his other affidavit before mentioned, which clearly makes him a Maryland officer. Although I find none of "the other evidence" mentioned by the committee, I think there is some, besides that of Captain Bedinger, that looks against the finding of the executive. In the first place, the petition to the executive, of the heir of Captain Luckett, asking for the allowance of the bounty, states that "the said Thomas H. Luckett resided in Loudon county, Virginia, from the first of January, 1781, until his death, which took place on the 28th or 29th of December, 1786," thus very clearly implying that he came there the 1st of January, 1781, and had not resided there before. If his previous residence had been in Virginia, he certainly would not have omitted to state so important a fact, but he says not one word about his former residence. Again, there is an affidavit in the case, of Philemon Griffith, the captain of the company to which Lieutenant Luckett belonged. He says nothing *directly* in regard to Luckett's residence, though his residence when he entered the service could undoubtedly have been proved by him, and would have been, if his testimony would have aided the claim; but he says that, "Thomas H. Luckett, commonly called Hussey Luckett, entered with myself into the revolutionary war as early as July, 1775, as lieutenants in a company commanded by Captain Thomas Price, from *Fredricktown, Maryland*," marched to Boston, then to New York, when he was appointed captain in Stevenson's regiment, and Luckett a lieutenant in his company. On the whole, it appears to me there could be no doubt, from the papers filed with the executive of Virginia, that Captain Luckett was both a Maryland officer and a resident in Maryland, until he left the service, in 1780, as a supernumerary officer, after which he doubtless removed into Loudon county, Virginia. Since writing the above, I have found in my possession a paper which had escaped my recollection and which puts an end to all argument in regard to this case. It is a certified copy, from the Maryland office, of the official arrangement of the Maryland line, made in obedience to the resolutions of Congress, of October, 1780, upon which is found the name of Captain Thomas H. Luckett, "*of the Maryland part of the rifle regiment*," as having become

supernumerary, January 1, 1781. This shows that Captain Luckett was in the service of the State of Maryland until he became supernumerary; and even if he had been a citizen of Virginia he would not have been entitled to the bounty, the provisions of the bounty not extending to Virginians *who were in the service of any other State.*

The Committee on Public Lands seem to think this claim entitled to special favor, because it was presented to the executive "by a distinguished member of the Virginia Legislature," and because it was "allowed to a citizen of Ohio," without "any conceivable motive or bias of any kind" in the executive, no Virginian having any interest therein, as the "committee are credibly informed." I have heard much, very much, before of the "distinguished," "high minded," "honorable," and "disinterested" character of the men who present and allow these claims. It is a common argument in their favor; but a little more record evidence would be much more convincing. Doubtless they are all "*honorable men*;" but I think they present and allow very bad claims, notwithstanding.

The heirs of *James Lemon* were allowed the bounty of a captain, 5,169 acres, for a service of 7 years and 9 months, October 30, 1838. The name of James Lemon not being found on any of the revolutionary rolls as a Virginia officer, the select committee were of opinion that the claim was unfounded. The Committee on Public Lands think he was killed in battle. If so, he *might* have been entitled to the original bounty of 4,000 acres, but not to the *additional allowance* of 1,169 acres, as has before been seen. But as the Committee on Public Lands have not thought proper to give the evidence on which the claim was allowed by the Virginia executive, or to state to what regiment he belonged, or when, or in what battle he was killed, it is impossible to judge of the correctness of the conclusion to which they seem to have arrived, that the claim was a good one. The committee say, that if the author of the report of the select committee "had gone to the United States bounty land office, and inquired if this officer had died in the service, he would have been told a warrant (No. 1,288) had been issued about the year 1790, to his brother, William Lemon, in consequence of his having been killed in battle." If the author of the report had been told this, he would doubtless have looked into the evidence on which the allowance was made, for the purpose (if no other) of ascertaining, why his brother should have been at the pains to claim the three hundred acres of bounty from the United States, and have left it for some other person to claim the much larger bounty of 4,000 acres from Virginia, some fifty years afterwards. The reason may have been that Captain Lemon belonged *to the line of some other State* and not to the line of Virginia. The committee having had it in their power to state sufficient facts appearing in the case, to determine upon the right of Captain Lemon to the bounty, and not having done so, I must be allowed still to doubt its validity. If the evidence when shown makes out a good claim, I shall be happy to acknowledge it as such. Until then I

shall continue of the opinion, that the reason it was not allowed at an earlier day was, that it was unfounded.

The heirs of *Richard Muse* were allowed the bounty of a lieutenant, February 27, 1839, 2,666 $\frac{2}{3}$ acres, for a service of three years. It appearing by muster-rolls in the Third Auditor's office that he was appointed lieutenant of the 15th Virginia regiment, December 22, 1776, and that he resigned May 14th, 1779; and that, on the 4th of June, 1783, he settled his account with the Virginia auditors, and received pay for a service ending May 14, 1779, the select committee were of opinion that he could not have served three years, and reported the claim as unfounded. The Committee on Public Lands consider the claim good, and say "that the proof filed with the application showed that a large sum of money was paid him to recruit with, more than three months after this alleged resignation." As the proof is not given, I can only say it is very strange if Lieutenant Muse served three months after his resignation that he did not receive pay for it, and that I apprehend there must be some mistake about it. But, even this three or four months would not make out a three year's service. But the committee say the proof "also shows he was in the service from the latter part of 1775, and was in the battle of the Great Bridge, January, 1776, more than three years and four months prior to the 14th of May, 1779." Well, suppose he was in service at that time. What service was it? It was undoubtedly in the militia; although the committee have not thought proper to state the *character* of the service, or to give copies of the evidence of it. The question is not when Lieutenant Muse first became a revolutionary military man, but when he first entered the service for which the bounty was promised—the regular service. And it may be further remarked, that the service of three years, in order to entitle the officer to the bounty, under the act of 1782, must be *continued, uninterrupted* service. He must serve "the term of three years, successively." If Lieutenant Muse had been in the regular service the latter part of 1775, and continued therein till the battle of the Great Bridge, in January, 1776, and left it until he was appointed lieutenant in the 15th regiment, in December, 1776, the commencement of his bounty land term of three years must be reckoned from the latter date. (See act of 1782: 11 Henning's Stat, 84.) But if this early service had been in the regular line, the committee would doubtless so have stated it. The 15th regiment, in which Lieutenant Muse served, was raised under an act of assembly, passed November, 1776, and his service could not have commenced therein earlier than the date of his appointment before given. I think it very clear he did not perform any service of three years for which the bounty was promised, and that the claim was unfounded.

The heirs of Captain *John Morton* were allowed the bounty of 4,000 acres for three years service, October 11, 1839. I inadvertently omitted to insert this case among the nine others formerly mentioned as not having been noticed by the Committee on Public Lands. It is undoubtedly a bad case. It appears from the rolls of the Virginia line that he was appointed a captain in the 4th re-

giment, February 19, 1776, and that he resigned March 12, 1777. April 20, 1784, he settled with the Virginia auditors, and received pay for a service ending the 13th of March, 1777, having served one year and twenty-three days.

The heirs of *Richard Pendleton* were allowed 4,000 acres, the bounty of a captain, for a service of three years, February 18th, 1839. The select committee finding the name of Captain Pendleton to be wholly unknown to the Virginia revolutionary rolls and records, were of opinion he could not have performed a three years' service in the regular army, and reported the claim bad. The committee say that two respectable witnesses testify that Captain Pendleton belonged to Col. Bland's regiment of cavalry, and died in the service in North Carolina, and that they served with him, he commanding a company in the regiment. I confess myself unable, at present, to audit this testimony. It would seem that there is not a scrap of documentary evidence in the case. There are several lists of the officers of Bland's cavalry among the Washington papers, and, I believe, also a list or lists in the pension or Third Auditor's office. There are other documents in relation to the regiment in the public offices at Richmond. If Richard Pendleton had been a captain in that regiment, I think some record of it would have been found. Several troops of Virginia militia cavalry performed short periods of service in North Carolina, to which Capt. Pendleton *might* have belonged. The period of the war in which Captain Pendleton died is not stated, and the statement of the evidence by the committee is too general for the application of any historical test to determine its accuracy. When it is given in full, and the facts stated can be compared with others that are known, and, especially, with the revolutionary records still in existence, the weight to which the testimony is entitled can be better appreciated. Until then, I must persist in considering it an unfounded claim.

The heirs of Lieutenant *Clement Skerritt* were allowed an *additional bounty* of 1,333 $\frac{1}{2}$ acres, as a captain, December 21, 1838, they having in 1832 been allowed 2,666 $\frac{2}{3}$ acres, the bounty of a lieutenant, which last named bounty has long since been paid by the United States in scrip. The warrants for the 1,333 $\frac{1}{2}$ acres are yet outstanding. It is admitted by the Committee of Public Lands that Lieutenant Skerritt was a *Maryland* officer; but they say he, with other Maryland officers, was transferred to Harrison's artillery regiment, in pursuance of resolutions of Congress, of October 3, 1780, and that, by virtue of such resolutions, Virginia became liable to him for the payment of her land bounty. It is unnecessary to discuss the question as to what would have been the effect of those resolutions upon Lieutenant Skerritt, if he had continued in Harrison's regiment, after the resolutions of October, 1780, took effect upon the army; for it appears by the official arrangements of the Maryland line, made in pursuance of those resolutions, of which I have a certified copy before me, from the Maryland land office, that Clement Skerritt, of the artillery, then became a supernumerary lieutenant. He never served in Harrison's regiment after the re-

sponsibility of maintaining it was cast upon Virginia by the resolutions of Congress. He was always, while in service, a Maryland officer; he received his depreciation pay from Maryland; his name was returned to the United States bounty land office as a Maryland lieutenant; and he received his commutation pay of the United States as a Maryland officer. The warrant now outstanding being for his service as *Captain*, above his former allowance as lieutenant, is bad—not only because he was a Maryland officer, but also because he never held the rank for which the allowance was made.

The heirs of Lieutenant *William Stevenson* were allowed the additional bounty of 671 acres, April 13th, 1837, for a service of one year and six months beyond the term of six years. He was appointed lieutenant in Harrison's artillery June 15, 1778, and served to the end of the war, and was entitled to the original bounty, which he received April 5th, 1786. To this additional bounty, he having served less than six years, his heirs had no claim whatever.

The heirs of Captain *Hebard Smallwood* were allowed a bounty of 4,444 acres on the 21st of December, 1838, for a service of six years and eight months. It appears from the rolls among the Washington papers, that he was appointed captain in Colonel Grayson's Virginia regiment March 4th, 1777, and that he resigned October 1st, 1778, having served but one year and seven months. The Committee of Public Lands do not appear to dispute these facts, but say "that the proof filed with the petition was *apparently* conclusive that Captain S. died in the service, being engaged in recruiting." And they add, "if he resigned, as alleged, the claim was not a good one; but there was nothing, we are informed, to create *any such suspicion in the mind of the executive of Virginia.*" And this, it would seem, is, in the view of the committee, a sufficient justification of the claim. The executive of Virginia, without requiring documentary proof, and without searching for better evidence, good naturedly takes the affidavit testimony produced by the claim jobbers for truth; and when it is shown by record proof to be false, the committee recommend the payment of the claim by the United States, (in this case \$5,555,) not because it is a good claim, but because the executive of Virginia suffered himself to be imposed upon in regard to it.

The heirs of Lieutenant *John Wilson* were allowed the bounty of 3,164 acres, in January, 1836, for a service of 7 years and 11 month—496 acres of which were for a service beyond the term of 6 years. Lieutenant Wilson is alleged to have died in the service, and his *additional* allowance has before been shown to be bad. There was a Lieutenant John Wilson, who was killed at the battle of Eutaw Springs, September 8, 1781, whose heirs were shown by the select committee to have received the land bounty in 1787. Finding the name of no other John Wilson on any of the Virginia revolutionary records, that committee were of opinion this allowance must have been unfounded. The Committee on Public Lands say this was "totally a different person;" and that his services "were established to the entire satisfaction of the executive." No

doubt they were. So were the services of Hebard Smallwood, for a term of 6 years and 8 months, when they had only continued 1 year and 7 months. I must continue to believe this claim unfounded, until sufficient evidence is produced to sustain it.

The heirs of *Jacob Winfree* were allowed the bounty of 4,000 acres for a service of 3 years, as captain, July 3, 1838. The name of this officer not being found on any of the Virginia revolutionary records, the committee concluded the claim was bad, and so reported. The Committee on Public Lands say he was killed at the battle of Guilford, and that "the proof is *conclusive* that he was in the regular service, and entered it in 1776." I think it not unlikely that the proof which the committee call *conclusive* would be very unsatisfactory to me, and I cannot give my assent to the validity of this claim, without first seeing the evidence, especially as there are so many circumstances that seem to oppose its validity. If Jacob Winfree, as the committee say, entered the regular service in 1776, and continued in it till the battle of Guilford, which was in March, 1781, there are at least three independent official rolls of the Virginia line on which his name ought to appear, upon neither of which is it found; the last roll having been made in February preceding the battle, in obedience to the resolutions of Congress of October 3 and 21, 1780, for the purpose of arranging the line, and ascertaining what officers would be entitled to half pay for life. Besides, if he had performed such service, his depreciation pay alone would have amounted to more than 1,500 dollars, which it is not likely his heirs would have omitted to claim of Virginia, if he had performed such service. No depreciation payment was made to him or his heirs. There were in the battle of Guilford two brigades of Virginia militia, commanded by Generals Lawson and Stevens, which were called out in January for three months, and disbanded a few weeks after the battle. It is not improbable that such an officer as Captain Jacob Winfree, belonging to one of these brigades, may have been killed in the battle; but that such a *continental* officer was there killed I cannot believe, without some documentary proof showing, at least, that such an officer belonged to that line.

The heirs of *Thomas Waring* were allowed the bounty of a captain, 4,000 acres, May 17, 1839, for a service of three years. The name of this officer being wholly unknown to the Virginia records, the select committee were of opinion he could not have served three years, and reported the claim bad. The Committee on Public Lands deem this a good claim, because they say the original commission of Thomas Waring, as ensign of the 5th Virginia battalion, signed by the president of Congress, and dated September 22, 1776, was produced by his heirs; and because some of his pay accounts are as late as November, 1777; and because John Clark made his affidavit that Waring became a captain, and that he saw him in service in the fall of 1779. Now, the commission is undoubted evidence that Waring was appointed ensign in the regular service at its date; but I can form no judgment in regard to what are termed *his pay accounts*, because they are not copied or

described, and I know not what they are. If they prove anything, it is at most a service of 1 year and two months. The material evidence is the affidavit of John Clark, which furnishes me no assurance that Waring either became a captain in *the regular service*, or continued therein till the fall of 1779; not because I do not consider Clark a witness of common credibility, for I know nothing about him, good or bad, but for the following reasons, viz:

First. Because the witness does not state *where* or *in what* particular service he saw Waring in the fall of 1779, by which the accuracy of his testimony might be tested. It might have been in the militia service.

Secondly. The affidavit was taken 60 years after the matter about which the witness testifies is said to have occurred, and he was liable to be mistaken, not only as to the *year* in which he saw Waring in service, but in regard to the ranks and *corps* in which he was serving, no circumstances being given fixing the date or the character of the service.

Thirdly. The account which he gives of the *rank* of Waring is improbable—such a rapid promotion being contrary to the course of the service; and, if he had been thus promoted, it is quite likely the higher commission would have been preserved and produced, as well as the lower.

Fourthly. The affidavit was taken by the agent of the claimant, skilled in drawing such papers to make out a case, and probably interested in the success of the claim to one half of its amount, and without cross-examination, by which the whole facts and circumstances might have been elicited, and is, therefore, entitled to little weight as evidence.

Fifthly. The affidavit is contradicted by the very strongest negative record evidence. By an official list of the officers of the whole Virginia line, including the 5th regiment, made in September, 1778, and another like official list made in 1779 of the officers of the whole line, on both of which lists his name ought to appear, if Clarke's testimony is correct, but on neither of which is it found; and also by the fact that he claimed no depreciation pay of Virginia, under the act of 1781, which it is incredible he should not have done if his service continued until the fall of 1779, when several hundred dollars would have been due him. I must, therefore, believe there is not even a slight probability that he served in the regular line till the fall of 1779, much less that the testimony of Clarke furnishes sufficient evidence to establish the fact of such service, and be the proper foundation of a claim of five thousand dollars against the United States.

Lieutenant *Charles Yarbrough's* heirs were allowed the *additional* bounty of two hundred and seventy-eight acres, in July, 1838, for a service of about eight months beyond the term of six years. He was appointed a lieutenant of cavalry, October 16, 1780, and served *to the end of the war*, and thereby became entitled to the original bounty, which he received September 8, 1783, his term of service having been about three years. The Committee on Public Lands say, if the author of the report of the select committee

"had consulted the vouchers on which the claim was allowed, and the gazettes of the early period of the war—which very often supply the omissions in the defective and imperfect military records—he would have seen that Charles Yarbrough was an officer in the infantry long before his appointment in the cavalry." Pray how long before was he such officer in the infantry? Was it previous to March, 1779? It should have been, in order to make out the term of six years and eight months for which he was allowed. Did he continue in the infantry service until the 16th of October, 1780, when he was appointed an officer of cavalry, which he should have done, in order to entitle him to this additional allowance—the act granting it requiring the six years "*to be computed from the time he last went into service.*" His name does not appear on any of the rolls of the Virginia infantry, and it should on several, if he thus served; and, besides, when he settled his account with Virginia, in August, 1783, he received pay for a service commencing the 16th of October, 1780. If he had performed a previous service, it is to be presumed he would have been paid for it.

I have thus gone through with the examination, much more in detail than I intended when I began, of sixty out of the sixty-six cases reported on by the select committee, considering the character of the *original*, as well as *additional* allowances in each case, and paying, as I think, due and proper attention to all the new light thrown upon them by the report of the Committee on Public Lands. If you have followed me thus far, I apprehend you will entertain no doubt that the great mass of them are *bad*—beyond controversy or argument, and that all of them are very clearly unfounded upon the revolutionary promises of Virginia.

I sat down to this re-examination of these claims, with a determination to give due weight to any new evidence or suggestions furnished by the report of the Committee on Public Lands, and with the desire not to condemn any claim that had any chance of being well founded, whatever might have been my previous opinions upon it. The Committee on Public Lands, having had free access to the evidence on which all the claims have been allowed by the Virginia executive, have, in some few cases, furnished evidence and suggestions which were not before the select committee. In four of the sixty-six cases, I think this new matter entitled to some weight in determining the validity of the claims; and I have not, therefore, included them in the foregoing enumeration of unfounded claims. They are allowances of original bounty to the heirs of Chaplain *F. F. Dunlap*, Captain *Wm. Kelly*, and Lieutenant *J. Rogers*; and the *additional* bounty to the heirs of Colonel *Wm. Davis*; which cases I will now briefly notice.

The heirs of Chaplain *F. F. Dunlap* were allowed a bounty of seven thousand five hundred acres in 1837 and 1838, for a service of seven years and ten months. His name was not on any of the revolutionary records, and the select committee thought the claim wholly unfounded. The Committee on Public Lands say he was chaplain to the 5th Virginia regiment, and died very early in the war, and refer to the Virginia Gazette of 10th May, 1776, for his

obituary as such chaplain. If he thus died in the service, his additional allowance of fifteen hundred acres would be clearly unfounded, as has been heretofore shown; but his original bounty of six thousand acres would be good. The roll of the several regiments of the Virginia line, found among the Washington papers, which was made at the time the regiments were organized, does not give the names of the *chaplains*, but of only the officers of the line; and, as he is said to have died anterior to the date of any other of the rolls, and before the period in which the depreciation payments by Virginia commenced, the facts alleged in his case are not inconsistent with the revolutionary records. It *may be* that his heirs are entitled to the bounty. I regret that the committee did not give copies of the evidence on which the claim was allowed, which would have furnished the means of forming some judgment on the character of the claim; but, as it *may possibly* be well-founded, I do not class it among the bad claims.

The heirs of Captain *Wm. Kelly* were allowed a bounty of 5,777 acres, in December, 1838, for a service of 8 years and 4 months, he being alleged to have died in the service in September, 1777. The *additional* bounty of 1,777 acres is, of course, bad. The facts in this case were taken, by the select committee, from Senate document 193, of the 2d session, 27th Congress, and are believed to be substantially correct. The claim was reported unfounded by the select committee, principally on the ground that Hartley's regiment, in the service of which Kelly is said to have died, was a *Pennsylvania* regiment, credited to that State by Congress, and that, consequently, his heirs could not claim the *Virginia* bounty. The Committee on Public Lands refer to a resolution of Congress of December 16, 1778, to show that Hartley's regiment did not form a part of the *Pennsylvania* line till after that date; and they say that Captain Kelly, having died *before* that time, his heirs could well claim the bounty. This resolution seems to have escaped the notice of the select committee, and, as it may have an important bearing on the case, I omit to class the claim among those which are bad. I should, however, desire to examine the original evidence in the case, and documents in relation to the history of Hartley's regiment, to neither of which have I now access, before deciding on the character of the claim.

The heirs of Lieutenant *Joseph Rogers* were allowed a bounty of 3,258 acres, in March, 1838, for a service of 7 years and 4 months, which period, from the fact that his name was found on none of the *Virginia* revolutionary records, the select committee inferred he could not have served. This inference was undoubtedly correct. The select committee, however, say that he was a prisoner of war on Long Island, and died in the service, and refer to a resolution of the *Virginia* house of delegates of June 23d, 1780, as showing that he belonged to the *Virginia* line. The account which the committee give of the service of Lieutenant Rogers appears to me extremely improbable; but, as I have not access to the affidavit evidence in the case, nor to the *Virginia* journal referred to, I will not say positively that it is an unfounded claim. I, however,

strongly believe it to be so. The remaining allowance, which I have not placed with the bad claims, was made to the heirs of Col. *William Davis*, of 1,406 acres, in January, 1838, for a service of 1 year and 3 months over 7 years, he having been allowed 7,777 acres, February 11, 1784, for a service of 7 years. This allowance for 7 years' service having been made after the termination of the war, when all the service had been performed, the select committee supposed it included all that was due him, and that the recent allowance for 1 year and 3 months' additional service was not well founded. The Committee on Public Lands, however, furnish a copy of the original certificate of service on which the claim was allowed, which is dated in December, 1782, and which could not, of course, prove a service to a later period. This seems to account for the fact that a longer service than 7 years was not then allowed.

It should also be remarked that, at the close of the war, the services of the officers were, by the executive of Virginia, held to have terminated in the *spring* of 1783, when a proclamation of the governor had been issued announcing the termination of hostilities; and that it is not until a very late period that this early decision of the executive has been overruled, and allowances made up to November, 1783. This circumstance, with the additional one that the propriety of allowing the additional bounty for *parts* of years, seems at first to have been doubted, will serve to account for the fact that the additional bounty, in the case of Colonel Davis, remained unclaimed till so late a period.

Allowances of 6,893 acres to the heirs of Major *Mathew Donovan*, and 3,480 acres to the heirs of Lieutenant *Edward Wade*, were thought, by the select committee of 1842, to be good in part, to wit: the former for 5,333 $\frac{1}{2}$ acres, and the latter for 2,666 $\frac{2}{3}$ acres, and bad for the residue.

I have now gone through with all of the 66 cases reported on by the select committee of 1842, under all the light cast upon them by the Committee on Public Lands, and the general result is that, of the 205,825 acres included in these warrants, parts of those mentioned in the *six* last named cases are not shown to be unfounded, amounting to 21,777 acres, or about ten per cent. of the whole quantity.

The warrants which have been shown to be unfounded, included in the above 205,825 acres, have been herein classed as follows, viz:

Bad and not defended by the Committee on Public Lands	31,338 acres.
<i>Additional</i> allowances for a service over six years, when the officers died before the expiration of six years.....	32,206 "
Staff officers, not of the line, and most of them not having served 3 years in the staff.....	33,632 "
Officers of convention guards, none of them having served 3 years, or until the regiment was discharged.....	10,962 "

Supernumerary officers of September, 1778.....	3,333 acres.
When the officer served less than 3 years, or not at all	71,577 "
Making of bad claims.....	<u>184,048</u> "

Although all the warrants included in these 66 claims are provided for by the bill of the Committee on Public Lands, yet these do not include all the *continental* warrants outstanding, the period during which these warrants were granted having ended in February, 1840. The bill also provides for those which have since been granted, and also for the *State* line and *navy* warrants, issued from 1835 to the present time, making, I believe, the quantity of 650,000 acres. Whether this bill will cover all the outstanding warrants is, I think, quite uncertain.

This letter has already been drawn out to so great a length that I shall not undertake to speak of the *State* line and *navy* warrants, other than to say, that for reasons which are given in the report of the select committee, there is undoubtedly a less proportion of these well founded, than there is of those of the *continental* line.

There are numerous statements made and arguments attempted, in different parts of the report of the Committee on Public Lands, in favor of these claims, or particular classes of them, which, to a person who has not turned his attention to this matter, may appear plausible and imposing, and which I have omitted to notice; some of the most important of which I will now proceed barely to mention.

1. The committee, in pages 143 and 144, endeavor to justify the enormous allowances to warrant, or *non-commissioned* officers of the *State* navy, such as sailing masters, masters' mates, boat-swains, carpenters, carpenters' mates, gunners, gunners' mates, coxswains, &c., &c., which have been made since 1830, by trying to have it understood that they *rank* with lieutenants of the army; such *non-commissioned* officers having since that date been allowed the bounty of a lieutenant, 2,666 $\frac{2}{3}$ acres. I will merely say, that no such relative rank is justified either by the laws of Virginia, the regulations of the Virginia navy board, by the resolutions of Congress referred to by that committee, nor by the law or practice of any other service. It is a sheer contrivance of claim jobbers to put money in their pockets, good-naturedly acquiesced in by the executive of Virginia, the United States having the money to pay. For a full view of this matter, see report of select committee, pages 21 and 22.

2. The report of the Committee on Public Lands copies and publishes, in the body of the report and appendix, a *minority* report of the Hon. Mr. Taliaferro of Virginia, (No. 436, 1st session 26th Congress,) which relates almost exclusively to cases where the bounty was allowed previous to September, 1835, the warrants for which have long since been paid by the United States. These cases have all or nearly all been examined and shown to be bad, either in said report, No. 436, or in subsequent reports upon the in-

dividual claims; and as the warrants have been satisfied, I have omitted now to notice them.

3. The report of the Committee on Public Lands (pages 85 to 100) contains a labored effort to discredit the estimate made by the select committee of the number of Virginia continental officers who could have become entitled to the bounty. The estimate of that committee, based principally upon revolutionary documents, was, that the number of such officers, who *could possibly* have been entitled to the bounty, did not exceed 630. This estimate, contrary to what the Committee on Public Lands seem to suppose, included all descriptions of officers, and made a very liberal allowance for deaths in the service, and other casualties, as may be seen by reference to report No. 436, 1st session 26th Congress, pages 13 to 16, where the details of the estimate adopted by the select committee may be found. That this estimate was, in all probability, sufficiently high, I think can be very satisfactorily shown by documents furnished by the Committee on Public Lands. That committee, in their report, page 87, insert a letter from the register of the Virginia land office, stating that, prior to the 31st of December, 1784, land warrants had issued for the services of 812 officers, of whom 595 were officers of the *continental* line; and a list of the names of the officers to whom such warrants issued is given in their appendix, page 162. The Committee on Public Lands would endeavor to have it understood that this number included only about one-half of the officers that were entitled to the bounty, whereas I think it included *very nearly all*.

The list of names given by the register of the Virginia land office is doubtless taken from Document No. 30, appended to the journal of the Virginia house of delegates for 1833, which will be found in the library of Congress, as will also the earlier journals of the house of delegates, which I shall hereafter refer to. It will be found by that list, that, comparatively, few warrants issued from December 31, 1784, up to May, 1792, when the legislature of Virginia (as has been before seen) had become so well satisfied that all the claims had been allowed, that they abolished the fund which had been provided for their payment; and moreover a large proportion of the warrants thus issued after December, 1784, were revolution warrants, not provided for by the general laws. I have another, and I think a very strong reason for believing that nearly all the officers who were entitled to warrants applied for and received them before the end of the year 1784, and it is this: I have before me a list of all the Virginia officers who were returned to the bounty land office of the United States as having served to the end of the war—336 in number. Of the 336 officers thus returned, the names of 226 are found on the list furnished by the committee as having received their warrants previous to the 31st of December, 1784, leaving 10 only who had not then received them. This, I think, renders it extremely probable that nearly all the other officers who were entitled to warrants received them previous to that date, and that the number entitled could not greatly exceed the 595 who are said thus to have obtained them.

But the list of names given by the register of the land office, perhaps from haste in the preparation of it, shows a much larger number of continental officers to have received the bounty previous to December 31, 1784, than were actually allowed it under the bounty land laws of Virginia. Thus, in not less than 20 instances, the same name is inserted *twice* on the list, and in three other instances, *three* times; and though, in a few cases, there may have been two officers of the same name, yet, in most cases, there was doubtless but one officer. A deduction of some 15 or 20, at least, should be made for this repetition of names. But there is an error in the list of still greater importance. There were numbers of officers to whom the bounty had not been engaged by the general laws; but to whom (they having performed what were deemed valuable services) the bounty was allowed by special resolutions of the Virginia assembly in 1783 and 1784, as well as afterwards, the warrants for which were entered by the register of the land office in the general list, sometimes designating them as *revolution warrants*, and sometimes not. I have not access to the published list of warrants, nor to the early journals before mentioned; but I will venture to suggest that the following 45 officers, whose names appear on the list of the Committee on Public Lands, will be found not to have performed the requisite service to entitle them to the bounty, but to have been allowed it by special resolution. I annex to each name the page of the journal of the house of delegates, where I think the allowance will appear. On the journal of May session, 1783, Samuel Baskerville, 69; Walker Baylor, 37; George Draper, 77; John Holdcome, 58; James McClung, 56; James Monroe, 87; John Peyton, 37; Joseph Scott, jr., 58; Samuel Seldon, 19; Francis Taylor, 64; Reuben Taylor, 88. On the journal of October, 1783, Thomas Baytop, 58; William Campbell, 72; Daniel Duvall, 14; George Evans, 58; John M. Gault, 39; James Innes, 72; Robert Lawson, 14; Gabriel Long, 58; Matthew Pope, 54; Josiah Parker, 22; William Rickman, 39; Edward Stevens, 14; William Steel, 50. On the journal of May, 1784, Michael Bowyer, 59; William Cherry, 83; Isham Kieth, 20; Nathaniel Lucas, 64; William Mountjoy, 58; John McAdams, 20; Carter Page, 20; Thornton Taylor, 37; James Upshaw, 55; Charles West, 58; Otway Byrd, 64. On the journal of October, 1784: Stephen Ashley, 53; David Arrill, 40; Nathaniel Fox, 43; James Purvis, 50; George Slaughter, 13; Augustin Slaughter, 10; Simon Summers, 38; Robert Sayres, 76; John Vaughn, 17; Jacob Valentine, 17. It is possible some of the references may not be correct, but I believe they will be found to be generally so. There are doubtless other officers on the list of the committee, to whom *revolution warrants* were issued, to which I have not now the means of referring.

If there be other errors in the list, I am unable, from the want of access to the documents, to point them out. I think, however, from what I have already shown, the number of 595 *continental* officers, stated by the register of the Virginia land office to have been allowed the bounty previous to December 31, 1784, ought to be reduced, at least, as low as 550; and that the number 550 will

be found to include all the officers of the continental line who had thus been allowed the bounty under the general laws. If the other officers be supposed to have applied for and received the bounty, in the same proportion as the 336 before mentioned, it will be found, by computation, that the whole number of bounties which then remained to be allowed would be 17, and the whole number of continental officers entitled, 567. If it be supposed that the proportion of the other officers, who would not apply for their warrants during that early period, would be greater than those who were returned as having served to the end of the war, yet it cannot reasonably be calculated to have been so much greater as to make any very large difference in the aggregate number of all that were entitled. I therefore still think that the estimate of the select committee of 630, as the *highest possible* number of continental officers who could be entitled to the bounty, was sufficiently high, and that the number of 1,032, which, previous to 1840, had been allowed it, included, at the lowest estimate, not less than 400 allowances that must, of necessity, have been unfounded.

4. In order to render it probable that the enormous quantity of warrants recently issued by Virginia were well founded, two letters from the United States bounty land office are introduced, showing the quantity of modern allowances by the United States.

This matter will be found to have been fully considered in report No. 436, 1st session 26th Congress, pages 107 to 109, and shown not to strengthen the Virginia allowances.

5. Sundry ancient certificates, showing the services of several officers in the *staff*, are introduced into the appendix of the report, pages 194 to 196. I do not know for what purpose, unless it be to carry the idea that land bounty was allowed upon them at an early day. Such, however, is not the fact. They were probably taken to enable the officers to obtain their pay or other emoluments for such services. If the officers named also belonged to the line, and served therein three years, they were allowed the bounty for such service in the line. If they were *staff officers merely*, the bounty was not allowed, except to field surgeons, surgeons' mates, and chaplains, who were selected out of the staff officers and specially promised the bounty.

6. In order, it is supposed, to have it understood that the Virginia settlements, after the close of the war, are not entitled to credit, as showing the exact termination of an officer's service, abstracts of the settlements of several officers who settled for short services are introduced, on pages 196, 197, 198 of the report, together with the dates of their allowance of the land bounty. The early allowances of land bounty, (I mean those previous to May, 1792, when Virginia ceased to have any responsibility for their payment,) are perfectly consistent with those settlements. Thus, the first early allowance mentioned, is that of 4,000 acres to Captain *David Arrill*, in 1785, who settled for a service ending January 14, 1778. Not being entitled to the bounty by a continued service of three years, but having performed other services in the militia, he petitioned the Virginia assembly for the bounty, and in

consideration of the particular circumstances of his case, it was granted by special resolution of the house of delegates, at the October session, 1784, and the warrant issued in 1785, as above stated. Lieutenant *James Berwick*, who settled for a service ending May 27, 1778, not being entitled to the bounty under the general laws, was allowed it by special resolution of assembly at the October session, 1785. Lieutenant *John Baynham* settled his account to October, 1777, his heirs allowed the bounty in 1784, he having died in the service. The residue of the cases will be found equally consistent with the Virginia settlements.

There are many other things in this report of the Committee on Public Lands that I would have been glad to notice, but this letter has grown to such an extreme length that I must bring it to a close. When I sat down to write, I intended to despatch the subject in a very few sheets, but the difficulty of doing so in a suitable manner seemed to increase as I progressed; the consideration that very few, if any gentlemen in Congress, have taken upon themselves the labor of investigating this matter thoroughly, has induced me to be somewhat particular in this examination. If any gentleman will take the pains to make this investigation, I think he cannot fail to arrive at the conclusion to which I have done.

Besides the immense quantities of lands which have been covered by these bounties in Kentucky and Ohio, the United States have already appropriated 1,460,000 acres in scrip, equivalent to the payment in cash of \$1,825,000, viz: 310,000 acres, by act of May 30, 1830; 300,000 acres, by act of July 12, 1832; 200,000 acres, by act of March 2, 1833, and 650,000 acres by act of March 3, 1835.

At the time of the passage of each of the acts, it was stated and urged as a reason for its passage that *that* appropriation would satisfy all the claims, and put an end to the whole matter; and in the last act, in March 1835, time was given until the first of September following for the presentation of the claims, and a special provision inserted that if the claims exceeded the quantity appropriated the warrants should be paid *pro rata*, and that such *pro rata* payments should be in full satisfaction of the claims, (see 9th volume of U. S. Laws, page 231.)

In a report of a committee of the Virginia house of delegates adopted by the house, February 10, 1835, and transmitted to Congress with a recommendation of the payment of these claims, it is stated as the opinion of the committee, that the outstanding claims "could not greatly exceed the allowances then made;" and that according to the showing of the commissioner of revolutionary claims "*very few officers' claims remain to be satisfied.*" And yet, since that date, nearly two hundred claims have been allowed for the alleged services of officers, the warrants to satisfy them covering about one million of acres.

Upon the *principle*, or rather under the *practice*, upon which these claims are allowed by the Virginia executive, there is absolutely no limit to them. No evidence upon which any reliance can be placed is required to prove them, the allowances are not confined to the class of officers to which the bounty was promised,

but it is extended to numerous persons who, during the revolutionary period, had not dreamed the bounty had been engaged to them, even to officers of other States; non-commissioned officers in great numbers are transformed into officers; and almost every year introduces some *new* construction of ancient laws, by which swarms of claims are created and made to undergo the necessary manufacture for presentation at the United States treasury.

The report of the Committee on Public Lands furnishes additional evidence that inventive genius in this matter of construing statutes is not yet exhausted, and that new mines, from which large quantities of these claims can be excavated, are now in the progress of being opened.

The report contains a long argument (page 139 to 143) to show that the soldiers of the Virginia line, who served three years, were entitled to a bounty of 300 acres each, instead of the 100 acres which has been heretofore allowed them by Virginia. The executive of Virginia has only to adopt the construction of the committee, and proceed to issue the warrants. The number of soldiers who have already been allowed the bounty, is about 5,000. If 200 acres be added to each of these, the quantity of land required to satisfy them will be one million of acres; besides an unknown quantity requisite to supply the bounties of the new soldiers, which the increase bounty will bring to light. Here is abundant provision for another scrip act of 650,000 acres, some three or four years after the present shall be passed, besides a liberal allowance towards a third act of the same description and amount.

But the executive of Virginia has already commenced upon another new class of allowances, from which these bounties can be drawn, and in no inconsiderable quantities. The words of the act of Virginia which describes the officers entitled to bounty, are as follows: "That the officers who shall have served in the Virginia line on continental establishment, or in the army or navy upon *State* establishment, to the end of the present war," &c., shall be entitled to land, &c. [10 Hen., 160.]

Now, nothing can be clearer than that an officer serving in the continental navy does not come within the description of this act. He neither belongs to "the Virginia line on continental establishment," which was composed of certain known regiments of land forces, nor to "the army or navy upon *State* establishment," for the continental navy was not upon *State* establishment. Yet on the 9th of December, 1839, the bounty of a brigadier general was allowed the heirs of *John Paul Jones*, being 13,286 acres, for a service in the *continental navy* of seven years and ten months.

I am free to admit the gallantry and distinguished services of Paul Jones; but, as Virginia never promised him the bounty, I see no justification for the executive of that State in allowing it. He knew at the time, that the bounty would never be *paid* by Virginia, and would be *claimed* only of the United States, and knowing this, I think he ought to have been the almoner of their own bounties, without arrogating for Virginia the credit of an act which others were to perform. The Committee on Public Lands,

however, undertake to defend this allowance, and they cite a resolution of the Virginia house of delegates, of November, 1779, which they seem to think may reach this claim. The object of that resolution is very apparent. Some of the citizens of Virginia, both officers and soldiers, were serving in regiments, or corps, of troops which had been raised in different States, and which had not been incorporated into the line of any State, (such as Rawling's rifle regiment, before mentioned,) and the bounty which had previously been engaged only to "the officers who should have served in the Virginia line on continental establishment," did not extend to them. For the purpose of providing for these officers and soldiers, it was resolved, "that all officers and *soldiers*, being citizens of this commonwealth, belonging to any *corps* on continental establishment, and not being in the actual service of any other State, shall be, hereafter, entitled to all the State provisions," &c. The Committee on Public Lands seem to think that the continental navy is a "*corps* on continental establishment," and that "officers and *soldiers*" of such *corps* are identical with "officers and *seamen*" of the navy. I shall not discuss so plain a question; I will, however, remark, that the United States land bounties, and the half pay for life, were promised by Congress to "all officers on continental establishment," who performed certain periods of service; but that nobody ever supposed they were engaged to officers of the navy, or officers in the marine service. I believe the Committee on Public Lands are entitled to the credit of first discovering that *seamen* are properly termed *soldiers*; and that the revolutionary navy was, in legislative language, "a corps on continental establishment." The allowance to the heirs of Paul Jones was the *first* that was made by the Virginia executive to an officer of the continental navy, but it may not have been the *last*. There were other Virginia officers in that navy; and there are, doubtless, many more, who may be shown, by affidavit evidence, to have been such. And when it is considered that the officers of the marines, as well as of the navy proper, and also seamen and marines, are embraced in this new construction of the law, and that all non-commissioned officers of the navy, down to the carpenter's mate and armorer, are deemed by the executive as entitled to the bounty of 2,666 $\frac{2}{3}$ acres, it may be readily seen that this new source of bounties furnish materials for very extended operations of the speculators, and that the quantity of warrants it may produce cannot easily be calculated.

There is no reason to suppose that these claims will cease, so long as the United States continue to satisfy them. The passage of the one scrip act gives a new impetus to the rage for speculation, and the materials are soon furnished for the passage of another. If Congress should be disposed to continue satisfying these warrants, perhaps the shortest and least troublesome mode, would be to pass an act, at once, making the warrants issued by the Virginia executive equivalent to scrip, and receivable at the land offices in payment of the public lands.

The presenting of them at the general land office of the United

States, in exchange for scrip, is a mere idle ceremony. It is attended with some expense, which might thus be saved. Such an act would doubtless have a collateral effect of very considerable importance. It would tend to bring the question in regard to the disposition of the public lands, which has so long agitated Congress, to a speedy determination. Before the question had been debated many sessions, the lands would be covered by the warrants, and the occasion for controversy removed. I do not mean to recommend this as the *best mode* of settling this much vexed question in regard to the disposition of the public lands; I only mean to suggest, that it would be quite likely to be an *effectual mode*.

I have the honor to be, with great respect, your friend and obedient servant,

HILAND HALL.